

federal register

FRIDAY, OCTOBER 15, 1971

WASHINGTON, D.C.

Volume 36 ■ Number 200

Pages 20019-20129



HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

NATIONAL FOREST PRODUCTS WEEK, 1971—
Presidential proclamation..... 20025

MEMORIAM—Presidential Executive order honoring the Honorable Dean Acheson, former Secretary of State..... 20027

ECONOMIC STABILIZATION—OEP temporary supplementary guidelines for application; effective 10-15-71..... 20042

ANIMALS/ANIMAL PRODUCTS—USDA amendment on modified certified brucellosis areas; effective 10-15-71 20032

PASSENGER OCCUPANCY OF PILOT SEAT—FAA regulation for certain aircraft certificated prior to amendment; effective 10-15-71..... 20036

FIXED-COMBINATION PRESCRIPTION DRUGS FOR HUMANS—FDA policy statement..... 20037

AMPHETAMINES—Justice Dept. extension of time to 10-29-71 for applications for 1972 manufacturing or procurement quotas..... 20038

FHA PROJECT MORTGAGES—HUD amendments to clarify and ease financing requirements; effective 11-8-71..... 20038

INCOME TAX—IRS regulations on standard of proof in certain child support cases..... 20039

PROCUREMENT—HEW regulations on contracts involving risk to human subjects; effective 10-15-71 20039

(Continued inside)

Now Available

LIST OF CFR SECTIONS AFFECTED

1949-1963

This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

Price: \$6.75

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

**Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402**



Area Code 202

Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$2.50 per month or \$25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

| | | | |
|---|-------|--|-------|
| NUCLEAR RESEARCH REACTORS—AEC proposal on licensing of facilities used for industrial or commercial purposes; comments within 60 days | 20051 | WHITE POTATOES—Customs Bur. notice of tariff-rate quota..... | 20118 |
| CHILD POISON PREVENTION—FDA proposal on safe packaging standards for substances with drug abuse potential; comments within 30 days.... | 20046 | LAND OPENING—Interior Dept. order opening land in Montana; applications by 11-12-71..... | 20118 |
| DISTILLED SPIRITS—IRS proposal on requirements for conversion of specially denatured alcohol; comments within 30 days..... | 20045 | WILDERNESS AREAS—Interior Dept. notice of hearing 12-18-71 on lands within Bandelier Nat'l Monument; comments until 30 days thereafter.... | 20118 |
| MINE HEALTH AND SAFETY— | | ENVIRONMENTAL PROTECTION—Interior Dept. notice of availability of statement; comments within 60 days..... | 20119 |
| Interior Dept. withdrawal of certain proposed standards | 20045 | MANUFACTURING AREA SURVEY—Census Bur. notice of plans for annual survey..... | 20119 |
| HEW notice of Findings of Fact..... | 20126 | MINIMUM WAGES—Labor Dept. notice on federal and federally assisted construction in specified localities; effective 10-15-71..... | 20076 |
| RECORDS RETENTION—FPC proposed revisions for public utilities and natural gas companies; comments by 11-18-71..... | 20052 | | |

Contents

THE PRESIDENT

| | |
|---|-------|
| PROCLAMATION | |
| National Forest Products Week, 1971 | 20025 |

| | |
|---------------------------------|-------|
| EXECUTIVE ORDER | |
| The Honorable Dean Acheson..... | 20027 |

EXECUTIVE AGENCIES

AGRICULTURAL RESEARCH SERVICE

| | |
|--|-------|
| Rules and Regulations | |
| Brucellosis areas; modified areas..... | 20032 |

AGRICULTURE DEPARTMENT

See Agricultural Research Service; Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION

| | |
|--|-------|
| Proposed Rule Making | |
| Licensing of facilities used for industrial or commercial purposes | 20051 |

Notices

| | |
|---|-------|
| University of Virginia; proposed issuance of amended facility license | 20075 |
|---|-------|

CENSUS BUREAU

Notices

| | |
|---|-------|
| Manufacturing area annual surveys; consideration..... | 20119 |
|---|-------|

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:

| | |
|--|-------|
| Household goods air freight forwarder investigation..... | 20082 |
| International Air Transport Association | 20082 |
| Reno-Portland/Seattle nonstop service investigation..... | 20082 |
| Shulman Air Freight and WTC Air Freight..... | 20082 |
| United Air Lines, Inc..... | 20082 |

COMMERCE DEPARTMENT

See also Census Bureau; National Oceanic and Atmospheric Administration.

Notices

| | |
|---|-------|
| Consultation with State and local governments in development of Federal regulations; procedures | 20121 |
| Maritime Administration; organization and functions..... | 20123 |

CONSUMER AND MARKETING SERVICE

Rules and Regulations

| | |
|--|-------|
| Irish potatoes grown in California and Arizona; shipment limitations | 20029 |
| Lettuce grown in Lower Rio Grande Valley in South Texas; shipment limitations..... | 20031 |
| Oranges and grapefruit grown in Lower Rio Grande Valley in Texas; container regulations..... | 20029 |

Proposed Rule Making

| | |
|--|-------|
| Milk in Chicago regional marketing area; proposed revision of shipping percentage..... | 20046 |
|--|-------|

CUSTOMS BUREAU

Notices

| | |
|--|-------|
| White or Irish potatoes; tariff rate quota | 20118 |
|--|-------|

EMERGENCY PREPAREDNESS OFFICE

Rules and Regulations

| | |
|--|-------|
| Economic stabilization; supplementary guidance for application | 20042 |
|--|-------|

(Continued on next page)

Notices

| | |
|--|-------|
| Amendments to notices of major disaster areas: | |
| New York | 20075 |
| Pennsylvania | 20075 |
| Texas | 20075 |

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

| | |
|---|-------|
| Minimum wages for Federal and federally assisted construction.. | 20076 |
|---|-------|

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

| | |
|--|-------|
| Airworthiness directives; Helio model airplanes..... | 20033 |
|--|-------|

Alterations:

| | |
|---|--------------|
| Control area..... | 20034 |
| Restricted area and continental control area..... | 20036 |
| Terminal control area..... | 20035 |
| Transition areas (3 documents) | 20034, 20035 |

| | |
|---|-------|
| Control zone and transition area; designation and alteration..... | 20035 |
|---|-------|

Designations:

| | |
|-----------------------|-------|
| Area high routes..... | 20036 |
| Control zone..... | 20034 |
| Transition area..... | 20035 |

| | |
|--|-------|
| Federal airway segments and Federal airway and jet routes; alteration and designation..... | 20036 |
| Passenger occupancy of pilot seat.. | 20036 |

Proposed Rule Making

| | |
|---|---------------------|
| Proposed alterations: | |
| Control areas (2 documents) .. | 20048, 20049 |
| Federal airway segments (2 documents) | 20050 |
| Jet routes..... | 20051 |
| Transition areas (3 documents) | 20048, 20049, 20051 |
| Proposed designations: | |
| Additional control area..... | 20047 |
| Transition area..... | 20050 |

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

| | |
|---|-------|
| Public safety radio services; miscellaneous amendments..... | 20040 |
|---|-------|

FEDERAL HOME LOAN BANK BOARD

Notices

| | |
|--|-------|
| Imperial Corporation of America; application for approval of acquisition of control of Midland Savings & Loan Association..... | 20075 |
|--|-------|

FEDERAL HOUSING ADMINISTRATION

Rules and Regulations

| | |
|--|-------|
| Supplementary financing for FHA project mortgages; assumption of completion..... | 20038 |
|--|-------|

FEDERAL POWER COMMISSION

Proposed Rule Making

| | |
|--|-------|
| Records retention; public utilities and natural gas companies..... | 20052 |
|--|-------|

FEDERAL RESERVE SYSTEM

Notices

| | |
|---|-------|
| Central and State National Corporation of Alabama; order approving action to become bank holding company..... | 20084 |
| Merchants National Corp.; formation of one-bank holding company | 20084 |

FISH AND WILDLIFE SERVICE

Rules and Regulations

| | |
|--|--------------|
| North Dakota; hunting in certain wildlife refuges (3 documents) .. | 20041, 20042 |
|--|--------------|

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

| | |
|---|-------|
| Fixed-combination prescription drugs for humans; policy statement | 20037 |
|---|-------|

Proposed Rule Making

| | |
|---|-------|
| Child poison prevention; packaging standards..... | 20046 |
|---|-------|

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration; National Institute for Occupational Safety and Health.

Rules and Regulations

| | |
|---|-------|
| Miscellaneous amendments to chapter | 20039 |
|---|-------|

HEARINGS AND APPEALS OFFICE

Notices

| | |
|--|-------|
| Petitions for modification of interim mandatory safety standard: | |
| North Camp Mining Co..... | 20119 |
| Sahara Coal Co., Inc..... | 20119 |

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Housing Administration.

INTERNAL REVENUE SERVICE

Rules and Regulations

| | |
|---|-------|
| Income tax; standard of proof in certain child support cases..... | 20039 |
|---|-------|

Proposed Rule Making

| | |
|---|-------|
| Distilled spirits plants; conversion of specially denatured alcohol.. | 20045 |
|---|-------|

INTERSTATE COMMERCE COMMISSION

Notices

| | |
|---|-------|
| Motor carrier, broker, water carrier and freight forwarder applications | 20001 |
|---|-------|

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Hearings and Appeals Office; Land Management Bureau; Mines Bureau; National Park Service.

Notices

| | |
|--|-------|
| Environmental protection; proposed oil shale retort research project Anvil Points, Colo..... | 20110 |
|--|-------|

JUSTICE DEPARTMENT

See Narcotics and Dangerous Drugs Bureau.

LABOR DEPARTMENT

See Employment Standards Administration.

LAND MANAGEMENT BUREAU

Notices

| | |
|---|-------|
| Idaho; proposed withdrawal and reservation of lands; correction.. | 20118 |
| Montana; order providing for the opening of public lands..... | 20118 |

MINES BUREAU

Proposed Rule Making

| | |
|--|-------|
| Mine health and safety standards; withdrawal of certain proposed standards | 20045 |
|--|-------|

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

Notices

| | |
|---|-------|
| Coal mine health standards; findings of fact..... | 20126 |
|---|-------|

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

| | |
|--------------------------------|-------|
| Loan applications: | |
| Coludrovich, Allen P., Sr..... | 20121 |
| Long, Carl William..... | 20121 |

NARCOTICS AND DANGEROUS DRUGS BUREAU

Rules and Regulations

| | |
|--|-------|
| Amphetamines; procurement quotas | 20038 |
|--|-------|

NATIONAL PARK SERVICE**Notices**

Bandelier National Monument,
N.M.; public hearing regarding
suitability as wilderness..... 20118

**SECURITIES AND EXCHANGE
COMMISSION****Rules and Regulations**

Delegation of authority to review
requests for exemption..... 20037

Notices**Hearings, etc.:**

Chelsea Fund, Inc..... 20084
Continental Vending Machine
Corp..... 20085
Delmarva Power & Light Co..... 20085
First Investors Corp..... 20085
Georgia Power Co..... 20087
Indiana & Michigan Electric
Co..... 20087
Investors Diversified Services,
Inc., and Investors Syndicate
of America..... 20088

New England Electric System

et al..... 20089
Scripps-Howard Investment
Co. 20090

TRANSPORTATION DEPARTMENT

See Federal Aviation Adminis-
tration.

TREASURY DEPARTMENT

See Customs Bureau; Internal
Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

3 CFR**PROCLAMATION:**

4088..... 20025

EXECUTIVE ORDER:

11626..... 20027

7 CFR

906..... 20029

947..... 20029

971..... 20031

PROPOSED RULES:

1030..... 20046

9 CFR

78..... 20032

10 CFR**PROPOSED RULES:**

50..... 20051

14 CFR

39..... 20033

71 (9 documents)..... 20034-20036

73..... 20036

75 (2 documents)..... 20036

135..... 20036

PROPOSED RULES:

71 (9 documents)..... 20047-20051

75..... 20051

17 CFR

200..... 20037

18 CFR**PROPOSED RULES:**

125..... 20052

225..... 20052

21 CFR

3..... 20037

303..... 20038

PROPOSED RULES:

295..... 20046

24 CFR

241..... 20038

26 CFR

1..... 20039

PROPOSED RULES:

201..... 20045

30 CFR**PROPOSED RULES:**

55..... 20045

56..... 20045

57..... 20045

32A CFR**OEP (Ch. I):****ES Reg. 1:**

Circ. 20..... 20042

41 CFR

3-4..... 20039

47 CFR

89..... 20040

50 CFR

32 (3 documents)..... 20041, 20042

Presidential Documents

Title 3—The President

PROCLAMATION 4088

National Forest Products Week, 1971

By the President of the United States of America

A Proclamation

Today, we are acutely aware of the scarcity of our Nation's vital resources. Some have been lost irretrievably, but others, including products from forests, lend themselves to long-term management.

As our country has grown, it has become increasingly dependent on our forest resources for shelter, furnishings, paper and many other products essential to our way of life. But only now are we beginning to truly appreciate the importance of forests for maintaining a balanced ecology. We must make effective use and management of our forests with due regard for the environment so that we will strengthen our rural economy as well as provide aesthetic and recreational benefits for our people.

The Congress, in order to emphasize the importance of forest resources and forest products to the Nation, has by a joint resolution of September 13, 1960 (74 Stat. 898) designated the seven-day period beginning on the third Sunday of October in each year as National Forest Products Week, and has requested the President to issue an annual proclamation calling for the observance of that week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning October 17, 1971, as National Forest Products Week, with activities and ceremonies designed to focus our attention on the forest resources with which we have been so abundantly blessed and the ways which these resources can contribute to our material, emotional, and spiritual advantage.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of October, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-sixth.



[FR Doc.71-15174 Filed 10-14-71;10:17 am]

EXECUTIVE ORDER 11626

The Honorable Dean Acheson

As a special mark of respect to the memory of the Honorable Dean Acheson, former Secretary of State, it is hereby ordered, pursuant to the provisions of Section 4 of Proclamation 3044 of March 1, 1954, as amended, that until interment the flag of the United States shall be flown at half-staff on all buildings, grounds and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.



THE WHITE HOUSE,
October 13, 1971.

[FR Doc. 71-15160 Filed 10-13-71; 4:49 pm]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Amdt. 9]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Container, Pack, and Container Marking Regulations

On September 29, 1971, notice of proposed rule making was published in the *FEDERAL REGISTER* (36 F.R. 19119) regarding a proposal, applicable to § 906.340 *Container, pack, and container marking regulations* (7 CFR 906.340; 36 F.R. 143; 5962; 7049; 14253), recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This notice allowed interested persons 7 days during which they could submit written data, views, or arguments pertaining to the proposal. None were submitted. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The recommendation by the Texas Valley Citrus Committee reflects its appraisal of the crop and current and prospective market conditions. Shipments of grapefruit from the production area are expected to begin on or about October 16, 1971. The amendment would continue in effect through October 15, 1972, certain requirements with respect to the packing of size 96 grapefruit, that have been in effect since April 1, 1971, under Amendment 7 to § 906.340. Such requirements, which unless extended beyond such date would expire October 15, 1971, restrict the diameter range for pack size 96 by prescribing $3\frac{1}{16}$ inches instead of $3\frac{1}{8}$ inches as the minimum size for grapefruit packed in accordance with the requirements of standard pack as specified in the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona), designated as §§ 51.620-51.653 of this title. A maximum diameter of $3\frac{1}{16}$ inches is specified in said standards for pack size 96. This pack requirement is intended to effect the handling of larger and more uniform fruit in the 96 pack size, thereby improving the pack's appearance and enhancing the fruit's marketability.

This amendment would also amend paragraph (c) *Meaning of terms* of § 906.340 by updating the range of the section numbers in that paragraph

identifying the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona). The range of the section numbers in that paragraph no longer reflect the individual sections comprising such standards. The current range of sections is from § 51.620 to § 51.653, based on the revision of such standards effective October 1, 1969 (34 F.R. 13905).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Texas Valley Citrus Committee, and other available information, it is hereby found and determined that the amendment as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this amendment (other than with respect to up-dating the identification of the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona)), with an effective date as hereinafter specified, was published in the *FEDERAL REGISTER* (36 F.R. 19119), and no objection to this amendment or such effective date was received; (2) compliance with the amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (3) shipments of the current crop of such grapefruit are expected to begin on or about the effective date hereof, and this amendment should be applicable, insofar as practicable, to all shipments of such grapefruit in order to effectuate the declared policy of the act, and to be of maximum benefit to producers.

The provisions of § 906.340 (7 CFR 906.340; 36 F.R. 143; 5962; 7049; 14253) are amended in the following respects:

1. The provisions of paragraph (a) (2) (ii) are amended to read as follows:

§ 906.340 Container, pack, and container marking regulations.

- (a) * * *
- (2) * * *

(ii) *Grapefruit.* Grapefruit, when in any box, bag, or carton shall be of a size within the diameter limits specified for the various pack sizes for standard pack set forth in Table III of the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) designated as §§ 51.620-51.653 of this title: *Provided*, That during the period October 16, 1971, through October 15, 1972, the diameter limits for pack size 96 grapefruit shall be $3\frac{1}{16}$ inches

minimum and $3\frac{1}{16}$ inches maximum; and *Provided further*, That any grapefruit in boxes or cartons shall be packed in accordance with the requirements of standard pack, except that not to exceed 10 percent, by count, of such grapefruit may be outside such diameter limits.

2. The parenthetical listing in paragraph (c) of the section numbers which refer to the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) is amended to read as follows:

"(§§ 51.620-51.653 of this title)".

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 12, 1971, to become effective October 16, 1971.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc. 71-15032 Filed 10-14-71; 8:51 am]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation, to be made effective under Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947) regulating the handling of Irish potatoes grown in the production area established pursuant to said Marketing Agreement and Order, both as amended, was published in the *FEDERAL REGISTER* October 2, 1971 (36 F.R. 19314). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 5 days after publication. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Oregon-California Potato Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that this limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The grade, size, quality, and maturity requirements as provided herein are necessary to prevent potatoes of poor quality, or undesirable sizes from being distributed into fresh market channels. They will also provide consumers with good quality potatoes consistent with the

overall quality of the crop, and maximize returns to the producers for the preferred quality and sizes.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

A specified quantity of potatoes may be handled without regard to maturity requirements in order to permit growers to make test diggings without loss of the potatoes so harvested.

Shipments may be made to certain special purpose outlets without regard to minimum grade, size, cleanliness, and maturity requirements, provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Certified seed is so exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed within the production area or to specified adjacent areas are likewise exempt; a limit to the destinations of such shipments is provided so that their use for the purpose specified may be reasonably assured. Shipments of potatoes between Districts 2 and 4 for planting, grading, and storing are exempt from requirements because these two areas have no natural division. Other districts are more clearly separated and do not have this problem. For the same reason, potatoes grown in District 5 may be shipped without regard to the aforesaid requirements to specified locations in Idaho, Washington, and Malheur County, Oreg., for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

Requirements for export shipments differ from those for domestic markets; while high quality standards are desired in foreign outlets, smaller sizes are more acceptable. Therefore, different requirements for export shipments are provided.

Inspection requirements are waived in certain portions of District 4 because the area is remote from inspection facilities and this requirement would cause unreasonable hardship to growers in the area.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that shipments of potatoes grown in the production area are currently being marketed and the regulation should become effective at the time herein provided to maximize the benefits to producers. Oregon-California Potato Committee held an open meeting September 21, 1971, to consider recommendations for a limitation of shipments regulation, after due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the recommendations by the committee has been disseminated among the growers and handlers of potatoes in the production area; compli-

ance with this section will not require any special preparation of potato sorting and packing equipment on the part of handlers subject thereto which cannot be completed on or before the effective time hereof.

§ 947.330 Limitation of shipments.

During the period October 16, 1971, through October 15, 1972, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c), and (d) of this section, or unless such potatoes are handled in accordance with paragraphs (e), (f), (g), (h), and (i) of this section.

(a) *Grade requirements.* All varieties—U.S. No. 2, U.S. Commercial, or better grade: *Provided*, That potatoes graded U.S. Commercial shall meet all of the requirements of U.S. No. 1, except for cleanliness.

(b) *Size requirements.* All varieties—2 inches minimum diameter or 4 ounces minimum weight.

(c) *Cleanliness requirements.* All varieties—U.S. Commercial may be no more than "slightly dirty"; all other grades as required in the U.S. Standards for Grades of Potatoes.

(d) *Maturity (skinning) requirements.*

(1) All varieties—no more than "moderately skinned."

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any 7 consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(e) *Special purpose shipments.* The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a), (b), (c), and (d) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed.

(2) Livestock feed: *Provided*, That potatoes may not be shipped for such purpose outside the production area except that potatoes may be shipped to the States of Idaho, Washington, and to Malheur County in the State of Oregon for livestock feed.

(3) Planting: *Provided*, That potatoes may not be shipped for such purposes outside of the district where grown except that potatoes grown in District No. 2 or District No. 4 may be shipped for planting within, or to such district for such purposes.

(4) Grading or storing: Potatoes may be shipped:

(i) Within the production area for grading or storing if such shipments meet the safeguard requirements of paragraph (f) of this section;

(ii) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading or storing within or to such districts without regard to the safeguard requirements;

(iii) Potatoes grown in District 5 may be shipped for grading or storing to any specified locations in the adjoining States of Idaho and Washington and Malheur County in the State of Oregon for such purposes; and

(iv) Potatoes grown in any one district may be shipped to a receiver in any other district if such receiver is determined by the committee to be a processor of canned, frozen, dehydrated, prepeeled products, potato chips or potato sticks.

(5) Charity.

(6) Canning, freezing, prepeeling, and "other processing" as hereinafter defined: *Provided*, That shipments of potatoes for the purpose specified pursuant to this subparagraph shall be exempt from inspection requirements specified in § 947.60 and from assessment requirements specified in § 947.41.

(7) Export: *Provided*, That all shipments of potatoes for the purpose specified pursuant to this subparagraph shall be 1½ inches or larger in diameter and U.S. No. 1 grade or better.

(f) *Safeguards.* (1) Each handler making shipments of seed pursuant to paragraph (e) of this section shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a Certificate of Privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege.

(2) Each handler making shipments of potatoes pursuant to subparagraphs (2), (4) (i), (6), and (7) of paragraph (e) of this section and each receiver of potatoes pursuant to subparagraphs (4) (i) and (4) (iv) of paragraph (e) of this section, shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make such shipments,

(ii) Prepare, on forms furnished by the committee, a report in quadruplicate on such shipments as may be requested by the committee,

(iii) Within 48 hours of the date of shipment forward one copy of such diversion report to the committee office and forward two copies to the receiver with instructions to the receiver that he sign and return one copy to the committee office within 14 days of shipping date. The handler and receiver may each keep one copy for their files. Failure of handler to report within 48 hours or receiver to report such shipments within 14 days of shipping date by signing and returning the applicable diversion report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the receiver's eligibility to receive further shipments pursuant to any Certificate of Privilege. Shipment of potatoes by a Certificate of Privilege holder to an ineligible receiver shall be cause of cancellation of the handler's Certificate of Privilege. Upon the cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration. Such appeal shall be in writing: *Provided*, That such requirements of this paragraph shall not

be applicable to shipments of potatoes for starch.

(g) *Minimum quantity exception.* Each handler may ship up to but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(h) *Inspection.* For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage: *Provided*, That in District 4, potatoes grown over 40 airline miles from the post office, Tulalake, Calif., shall be exempt from the requirements of § 947.60, *Inspection and certification.*

(i) Any lot of potatoes previously inspected pursuant to § 947.60(a) is not required to have additional inspection under § 947.60(b) after regrading, resorting, or repacking such potatoes, if the inspection certificate is valid at the time of handling such regraded, resorted, or repacked potatoes.

(j) *Definitions.* (1) The terms "U.S. No. 1," "U.S. Commercial," "U.S. No. 2," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540-51.1566 of this chapter (35 F.R. 18257)) effective September 1, 1971, including the tolerances set forth therein.

(2) The term "slightly dirty" means potatoes that are not damaged by dirt.

(3) The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removing the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 U.S. Standards for Grades of Peeled Potatoes (§§ 52.2421-52.2433 of this title).

(4) The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing."

(5) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 12, 1971, to become effective October 16, 1971.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-15070 Filed 10-14-71;8:50 am]

PART. 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas was published in the FEDERAL REGISTER, September 18, 1971 (36 F.R. 18656). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 10 days following its publication in the FEDERAL REGISTER. None was filed.

Findings. After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the South Texas Lettuce Committee, established pursuant to the said marketing agreement and order, it is hereby found that the limitation of shipments regulation, as herein-after set forth, will tend to effectuate the declared policy of the act.

The recommendations of the committee are in accord with the committee's marketing policy and reflect its appraisal of the composition of the 1971-72 crop of lettuce in the Lower Valley and the marketing prospects for the season.

The South Texas lettuce industry has operated under the program generally on a 6-day week during the past several years through the prescription of so-called "packaging holidays." These Sunday holidays, which prohibited the packaging of lettuce from midnight Saturday through midnight Sunday during the marketing season, tended to promote orderly marketing. Such holidays during the current fiscal period which began August 1, 1971, and will extend through July 31, 1972, would tend to promote orderly marketing conditions with respect to Lower Valley lettuce and should be made effective.

The grade pack, and container requirements are needed in the interest of orderly marketing so as to improve returns to producers. A minimum grade of 75 percent U.S. No. 1 quality will help to prevent lettuce of poor quality from burdening market outlets while providing adequate tolerance in relationship to prospective crop quality. The pack and container requirements accord with the accepted commercial practices of the South Texas lettuce industry of packing specified numbers of heads of lettuce in

specific sized containers. This is necessary to limit containers to those found acceptable to the trade for safe transportation of the lettuce and to avoid deceptive practices.

No purpose would be served by regulating the grade, pack and containers of small quantities of lettuce moved to noncommercial outlets. Therefore quantities up to two cartons of lettuce per day may be handled without regard to such requirements.

Provisions with respect to special purpose shipments are designed to meet the different requirements for other than commercial channels of trade. Because of the production area's proximity to the Mexican border, Mexican buyers have been accustomed to acquiring small lots of production area lettuce for their home market; these buyers can utilize lettuce which fails to meet the domestic grade, pack and container regulations. This type of transaction is permitted inasmuch as such shipments have negligible effect on the domestic market. However, to assure that lettuce so handled is not diverted to other outlets, it is required that it be loaded and transported in vehicles bearing Mexican registration.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of lettuce grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) information regarding the provisions of this regulation has been made available to producers and handlers in the production area, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

§ 971.312 Limitation of shipments.

During the period October 19, 1971, through March 31, 1972, no person shall handle any lot of lettuce grown in the production area unless such lettuce meets the requirements of paragraphs (a), (b), (c), and (f) of this section, or unless such lettuce is handled in accordance with paragraphs (d) or (e) of this section. Further, no person may package lettuce during the above period on any Sunday.

(a) *Grade requirements.* Seventy-five percent U.S. No. 1 or, better quality, with not more than 10 percent serious damage including not more than 5 percent affected by decay on any portion of the head exclusive of the wrapper leaves. Individual containers may have not less than 60 percent U.S. No. 1 quality and not more than double the specified tolerance for serious damage, including not more than three heads affected by decay in any portion of the head exclusive of the wrapper leaves.

(b) *Pack.* (1) Lettuce heads, packed in container Nos. 7303, 7306, or 7313, if

wrapped may be packed only 18, 20, 22, 24, or 30 heads per container; if not wrapped, only 18, 24, or 30 heads per container.

(2) Lettuce heads in container No. 85-40 may be packed only 24 or 30 heads per container.

(c) *Containers.* Containers may be only:

(1) Cartons with inside dimensions of 10 inches x 14½ inches x 21½ inches (designated as carrier container No. 7303), or

(2) Cartons with inside dimensions of 9¾ inches x 14 inches x 21 inches (designated as carrier container Nos. 7306 and 7313), or

(3) Cartons with inside dimensions of 21½ inches x 16½ inches x 10¾ inches (designated as carrier container No. 85-40—flat pack).

(d) *Minimum quantity.* Any person may handle up to, but not to exceed two cartons of lettuce a day without regard to inspection, assessment, grade, size, and pack requirements, but must meet container requirements. This exception may not be applied to any shipment of over two cartons of lettuce.

(e) *Special purpose shipments.* Lettuce not meeting grade, size or container requirements of paragraphs (a), (b), or (c) of this section may be handled for any purpose listed, if handled as prescribed in subparagraphs (1) and (2) of this paragraph. Inspection and assessments are not required on such shipments. These special purpose shipments are as follows:

(1) For relief, charity, experimental purposes, or export to Mexico, if, prior to handling, the handler pursuant to §§ 971.120-971.125 obtains a Certificate of Privilege applicable thereto and reports thereon; and

(2) For export to Mexico, if the handler of such lettuce loads and transports it only in a vehicle bearing Mexican registration (license).

(f) *Inspection.* (1) No handler may handle any lettuce for which an inspection certificate is required unless an appropriate inspection certificate has been issued with respect thereto.

(2) No handler may transport, or cause the transportation of, by motor vehicle, any shipment of lettuce for which an inspection certificate is required unless each such shipment is accompanied by a copy of an inspection certificate or by a copy of a shipment release form (SPI-23) furnished by the inspection service verifying that such shipment meets the current grade, pack and/or container requirements of this section. A copy of the inspection certificate, or shipment release form applicable to each truck lot shall be available and surrendered upon request to authorities designated by the committee.

(3) For administration of this part, an inspection certificate or shipment release form required by the committee as evidence of inspection is valid for only 72 hours following completion of inspection, as shown on each certificate or form.

(g) *Definitions.* (1) "Wrapped" heads of lettuce refers to those which are enclosed individually in parchment, plastic, or other commercial film (Cf AMS 481) and then packed in cartons or other containers.

(2) "U.S. No. 1" and "serious damage" have the same meaning as in the U.S. Standards for Grades of Lettuce (§§ 51.2510-51.2531 of this title).

(3) Other terms used in this section have the same meaning as when used in Marketing Agreement No. 144 and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated October 12, 1971, to become effective October 19, 1971.

ARTHUR E. BROWNE,
Acting Director, Fruit and
Vegetable Division, Con-
sumer and Marketing Service.

[FR Doc. 71-15071 Filed 10-14-71; 8:50 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas; Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby amended to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. The entire State;
Georgia. The entire State;
Hawaii. The entire State;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;

Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. The entire State;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. Adams, Alcorn, Amite, Attala, Benton, Bollivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hancock, Harrison, Hinds, Holmes, Humphreys, Issaquena, Itswamba, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Stone, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, and Yazoo Counties;

Missouri. The entire State;
Montana. The entire State;
Nebraska. The entire State;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. The entire State;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. The entire State;
Tennessee. The entire State;
Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bex, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Cullbertson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gray, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hensford, Hardeman, Hardin, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, La Salle, Lamar, Lamb, Lampasas, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochitree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Pell, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr,

Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Walker, Ward, Washington, Webb, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;

Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended; secs. 1, 2, 32, Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 21 F.R. 16210, as amended, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (10-15-71).

Lincoln County in Mississippi was deleted from the list of Modified Certified Brucellosis Areas on September 22, 1971. Since said date, it has been determined that such county again comes within the definition of § 78.1(i); and, therefore, it has been redesignated as a Modified Certified Brucellosis Area.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedures provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of October 1971.

R. S. SHARMAN,
Director, Animal Health Division,
Agricultural Research Service.

[FR Doc. 71-15091 Filed 10-14-71; 8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-25-AD; Amdt. 39-1320]

PART 39—AIRWORTHINESS DIRECTIVES

Helio Models H-250, H-295, H-391, H-391B, H-395, and H-395A Airplanes

An Airworthiness Directive was adopted on October 5, 1971, and made

effective immediately as to all known owners of Helio Models H-250, H-295, H-391, H-391B, H-395, and H-395A airplanes. This AD was issued because an accident investigation has disclosed that cracks may exist in the steel carry thru fitting Part No. 391-030-4072 to which the lower main spar of the wing attaches to these aircraft. Failure in this area can result in in-flight separation of the wing. Subsequent investigations of the failed parts and fatigue analysis of the primary aircraft structure involved have indicated that the steel carry thru fitting, lower main spar, on these model airplanes are subject to high stress levels and the development of fatigue cracks resulting in a limited fatigue life. To identify possible fatigue cracks, the manufacturer has issued Helio Aircraft Co. Service Bulletin No. 36, dated October 1, 1971, pertaining to the above-mentioned airplanes, which provides data for inspection of the carry thru fittings, both right and left, for existence of cracks or corrosion by means of gamma ray inspection. The Service Bulletin states that if indication of cracks or corrosion are found, the carry thru assembly is to be removed and returned to the manufacturer for fitting replacement or a new assembly. The Service Bulletin includes specific instructions on the inspection technique and additional information on the removal and reinstallation of the wings and carry thru structure.

Since the condition described herein may exist or develop in other aircraft of the same type design, an AD was issued effective immediately requiring that within the next 10 hours' time in service, and thereafter at 100-hour intervals, after the effective date of this AD, the above Helio Model land airplanes with 3,000 or more hours' time in service, or upon the accumulation of 3,000 hours' time in service, and all float equipped versions of the above model airplanes with 1,500 or more hours' time in service or upon accumulation of 1,500 hours' time in service, must comply with said Service Bulletin. In addition, as a result of tests, further evaluations and design changes currently being made by the manufacturer, the inspection periods and intervals specified in the AD may be changed when specific modifications are made to the aircraft. The AD further requires that within 350 hours' time in service, but not more than 12 months after the initial inspection, carry thru reinforcing straps are to be installed, in the field, in accordance with Helio Service Bulletin No. 37. The installation of reinforcing straps will permit extension of the repetitive inspection interval from 100 hours to 500 hours. The AD also provides for replacement of the carry thru assembly with a new or modified assembly supplied by the manufacturer at which time compliance with this AD will no longer be required. As further changes in design are made it may be necessary to issue additional amendments to the AD to reflect these changes. The AD further requires written notification to the

Chief, Engineering and Manufacturing Branch, FAA, Central Region, of the results of all inspections required by Service Bulletin No. 36.

Since it was found the immediate corrective action was required, notice and public procedure hereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately to the owners of Helio Models H-250, H-295, H-391, H-391B, H-395, and H-395A airplanes by individual airmail letters dated October 5, 1971. These conditions still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

Helio. Applies to all Models H-250, H-295, H-391, H-391B, H-395, and H-395A airplanes.

Compliance: Required as indicated, unless already accomplished.

To detect cracks or corrosion in wing center section steel carry thru fitting, lower main spar, P/N 391-030-4072, accomplish the following:

(A) Within the next 10 hours' time in service, on all land planes with 3,000 or more hours' time in service, or upon accumulation of 3,000 hours' time in service; and on all seaplanes with 1,500 or more hours' time in service, or upon accumulation of 1,500 hours' time in service, and thereafter on all aircraft listed in this AD at intervals not to exceed 100 hours, gamma ray inspect both the lower left and right, main spar, steel carry thru fitting, P/N 391-030-4072, for cracks or corrosion in accordance with Helio Aircraft Co. Service Bulletin No. 36 or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

1. If indications of cracks or corrosion are found during any of the gamma ray inspections required herein, prior to further flight remove the carry thru assembly and fittings from the aircraft and send them to the manufacturer for modifications in accordance with above Service Bulletin.

(B) On those airplanes to which paragraph A is applicable, within 350 hours' time in service, but not to exceed 12 months, after the initial inspection required by paragraph A, install carry thru reinforcing straps in accordance with Helio Service Bulletin No. 37. (To be issued.)

1. Upon field installation of the carry thru reinforcing straps, the repetitive inspections required by paragraph A may be extended to intervals not to exceed 500 hours' time in service.

(C) To accomplish the inspections, required by this AD, the airplane may be flown in accordance with FAR 21.197 to a base where the inspections may be performed.

(D) Upon replacement of the carry thru assembly with a new or modified assembly supplied by the Manufacturer after November 1, 1971, and installed in accordance with Helio Service Bulletin No. 38 (to be issued) the inspections required by this AD will no longer be required.

NOTE: The new or modified carry thru assembly will contain a new carry thru fitting, P/N 295-030-4072 and factory installed carry thru reinforcing straps.

(E) Aircraft logbook entries must be made and notification in writing must be sent to Chief, Engineering and Manufacturing Branch, FAA, Central Region, of all inspections performed prior to installation of carry thru reinforcements. This report is to include aircraft identification number, serial number, total time in service of the carry thru assembly and aircraft. Malfunction and Defect Report, FAA Form 8330-2, may be used for this purpose. (Report approved by the Bureau of the Budget under BOB No. 04-R0174.)

(F) Equivalent methods of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective October 16, 1971, to all persons except those to whom it was made effective by letter dated October 5, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on October 6, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-15050 Filed 10-14-71;8:48 am]

[Airspace Docket No. 71-WA-35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make an editorial change in the description of Control 1310.

In the description of Control 1310 reference is made to the Sandspit, British Columbia, Canada, radio range. This radio range has been converted to a radio beacon; accordingly, action is taken herein to effect this change of the Sandspit facility in the description of Control 1310.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 9, 1971, as hereinafter set forth.

In § 71.163 (36 F.R. 2048) Control 1310 is amended by deleting in the text "RR" wherever it appears and substituting "RBN" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 6, 1971.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.71-15048 Filed 10-14-71;8:48 am]

[Airspace Docket No. 71-WE-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On September 1, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 17513) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new control zone at Phoenix-Litchfield Airport, Ariz.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change:

Change the latitude of the geographical coordinates of Phoenix-Litchfield Airport to read " * * * 33°25'25" N. * * *"

Effective date. This amendment shall be effective 0901 G.m.t., December 9, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1343(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on October 5, 1971.

JAMES V. NIELSEN,
Acting Director, Western Region.

In § 71.171 (36 F.R. 2055) the following control zone is added:

PHOENIX-LITCHFIELD, ARIZ.

Within a 4-mile radius of Phoenix-Litchfield Airport (latitude 33°25'25" N., longitude 112°22'30" W.), excluding the portion within the Phoenix, Ariz. (Luke Air Force Base) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[FR Doc.71-15049 Filed 10-14-71;8:48 am]

[Airspace Docket No. 71-SO-160]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Columbus, Miss., transition area.

The Columbus transition area is described in § 71.181 (36 F.R. 2140 and 4374). In the description, an extension is predicated on the 179° bearing from Columbus RBN. The instrument approach procedure for which this extension was designated to provide controlled airspace protection was canceled, effective October 1, 1971. It is necessary to alter the description by revoking this ex-

tension. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Columbus, Miss., transition area (36 F.R. 4374) is amended as follows:

" * * * within 3 miles each side of the 179° bearing from Columbus RBN (latitude 33°27'30" N., longitude 88°23'00" W.), extending from the 8-mile radius area to 8.5 miles south of the RBN * * * " is deleted.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on October 5, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-15051 Filed 10-14-71;8:48 am]

[Airspace Docket No. 71-GE-73]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 14027 of the FEDERAL REGISTER dated July 29, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Grand Rapids, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., December 9, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on September 24, 1971.

JOHN M. CYROCKI,
Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

GRAND RAPIDS, MINN.

That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Grand Rapids Municipal Airport (latitude 47°12'45" N., longitude 93°30'34" W.); and 5 miles each side of the Grand Rapids VOR 162° radial, extending from the 9½-mile-radius area to 8 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the Grand Rapids VOR 162° radial extending from the VOR to 18½ miles south of the VOR.

[FR Doc.71-15043 Filed 10-14-71;8:47 am]

[Airspace Docket No. 71-CE-78]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 14028 of the *FEDERAL REGISTER* dated July 29, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Lafayette, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

The Halsmer Airport latitude coordinate recited in the Lafayette, Ind., transition area alteration as "latitude 40°24'49" N." is changed to read "latitude 40°23'40" N."

This amendment shall be effective 0901 G.m.t., December 9, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on September 30, 1971.

JOHN M. CYROCKI,
Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

LAFAYETTE, IND.

That airspace extending upward from 700 feet above the surface within a 7½-mile radius of Purdue University Airport (latitude 40°24'45" N., longitude 86°56'15" W.) within 2 miles each side of the 144° radial of the Lafayette, Ind., VORTAC, extending from the 7½-mile-radius area to the Lafayette VORTAC; within a 5½-mile radius of Halsmer Airport (latitude 40°23'40" N., longitude 86°48'25" W.); and within a 5½-mile radius of Aretz Airport (latitude 40°27'37" N., longitude 86°50'00" W.), within 1½ miles each side of the 118° radial of the Lafayette, Ind., VORTAC, extending from the 7½-mile radius to one-half mile south east of the Lafayette VORTAC.

[FR Doc.71-15042 Filed 10-14-71;8:47 am]

[Airspace Docket No. 71-RM-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area

On August 26, 1971, a notice of proposed rule making was published in the *FEDERAL REGISTER* (36 F.R. 16938) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would designate a control zone and alter

the description of the transition area at Livingston, Mont.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., December 9, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Aurora, Colo., on October 4, 1971.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.171 (36 F.R. 2055), the following control zone is added:

LIVINGSTON, MONT.

That airspace within a 5-mile radius of Mission Field Airport (latitude 45°41'45" N., longitude 110°26'40" W.) and within 3 miles each side of the Livingston, Mont., VORTAC 340° radial, extending from the 5-mile-radius zone to 8 miles north of the VORTAC.

In § 71.181 (36 F.R. 2140), the description of the Livingston, Mont., transition area is amended to read as follows:

LIVINGSTON, MONT.

That airspace extending upward from 700 feet above the surface within 9.5 miles west and 4.5 miles east of the Livingston VORTAC 340° radial extending from the VORTAC to 18.5 miles north of the VORTAC and within 2 miles each side of the Livingston VORTAC 068° radial, extending from a 5-mile-radius circle centered on Mission Field Airport, Livingston, Mont. (latitude 45°41'45" N., longitude 110°26'40" W.) to 9 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 6 miles south and 9.5 miles north of the Livingston VORTAC 035° radial, extending from 7 miles west to 21 miles east of the VORTAC, and within a 15-mile radius of the Livingston VORTAC extending clockwise from the 261° to the 085° radials of the VORTAC.

[FR Doc.71-14718 Filed 10-14-71;8:45 am]

[Airspace Docket No. 71-SO-140]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On September 2, 1971, a notice of proposed rule making was published in the *FEDERAL REGISTER* (36 F.R. 17589), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Washington, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 9, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

WASHINGTON, N.C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Warren Field (lat. 35°34'15" N., long. 77°03'00" W.); within 3 miles each side of the 158° bearing from Wanoa RBN (lat. 35°32'40" N., long. 77°02'00" W.), extending from the 8.5-mile-radius area to 8.5 miles south of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on October 4, 1971.

ROBERT O. BLANCHARD,
Acting Director, Southern Region.

[FR Doc.71-15052 Filed 10-14-71;8:48 am]

[Airspace Docket No. 71-WA-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Terminal Control Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Chicago, Ill., terminal control area.

The Chicago terminal control area became effective August 20, 1970, and was based, in part, on the Northbrook, Ill., VOR 093° and 274° true radials. On September 16, 1971, the Northbrook VOR was moved approximately 2 nautical miles north-northwest of its former position and changed to a VORTAC. In order to keep the airspace in the Chicago terminal control area the same as originally designated, it is necessary to redescribe the portion based on the Northbrook 093° and 274° radials. Action is taken herein to show this change.

Since this amendment is minor and editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the *FEDERAL REGISTER*, as hereinafter set forth.

In § 71.401 (36 F.R. 2317) the Chicago, Ill., terminal control area is amended as follows:

In Area D the phrase "bounded on the south by the 033° and 274° radials of the Northbrook VOR," is deleted and the phrase "bounded on the south by a line 2 nautical miles south of and parallel to the 093° and 274° radials of the Northbrook VORTAC," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 6, 1971.

T. McCORMACK,
*Acting Chief, Airspace and
Air Traffic Rules Division.*

[FR Doc. 71-15047 Filed 10-14-71; 8:47 am]

[Airspace Docket No. 70-SO-19]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas; Correction

On September 16, 1971, F.R. Doc. 71-13604 was published in the FEDERAL REGISTER (36 F.R. 18511). This document in part designated Restricted Area R-2901F, at Avon Park, Fla. In designated altitudes of R-2901F, the coordinates lat. 27°26'30" N., long. 81°12'00" W., were inadvertently omitted. Action is taken herein to include these coordinates.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, F.R. Doc. 71-13604 (36 F.R. 18511) is amended, effective upon publication in the FEDERAL REGISTER (10-15-71), as hereinafter set forth.

Section 73.29 (36 F.R. 2333, 18511) is amended as follows:

In Item 2.f, the phrase "from lat. 27°21'00" N., long. 81°00'00" W.," is deleted and the phrase "from lat. 27°21'00" N., long. 81°00'00" W., to lat. 27°26'30" N., long. 81°12'00" W.," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 6, 1971.

T. McCORMACK,
*Acting Chief, Airspace and
Air Traffic Rules Division.*

[FR Doc. 71-15044 Filed 10-14-71; 8:47 am]

[Airspace Docket No. 70-AL-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Federal Airway Segments and Designation of Federal Airway and Jet Routes

On June 25, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 12112) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would alter V-317,

V-506, J-123 and J-507, and designate V-473, J-129 and J-135.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., January 6, 1972, as hereinafter set forth.

1. Section 71.125 (36 F.R. 2042 and 1249) is amended as follows:

a. In V-317 the phrase "Level Island, Alaska," is deleted and the phrase "Level Island, Alaska, including a west alternate via INT Annette Island 311° and Level Island 164° radials;" is substituted therefor.

b. V-473 is designated to read as follows: V-473 from Level Island, Alaska, to Biorka Island, Alaska, via INT Level Island 277° and Biorka Island 127° radials.

c. In V-506 the phrase "Nome, Alaska;" is deleted and the phrase "Nome, Alaska, including a west alternate;" is substituted therefor.

2. Section 75.100 (36 F.R. 2371) is amended as follows:

a. Jet Route No. 123 is amended to read as follows: Jet Route No. 123 (from Marble, Alaska, to Point Barrow, Alaska); from INT Kodiak, Alaska, 107° radial and NW boundary Anchorage Oceanic Control Area at lat. 57°28'00" N., long. 150°32'00" W., via Kodiak; King Salmon, Alaska; Bethel, Alaska; Nome, Alaska; Kotzebue, Alaska; to Point Barrow, Alaska, RBN.

b. Jet Route No. 129 is designated to read as follows: Jet Route No. 129 (Nome, Alaska, to Kotzebue, Alaska); from Nome, Alaska, to Kotzebue, Alaska, via INT Nome 009° and Kotzebue 221° radials.

c. Jet Route No. 135 is designated to read as follows: Jet Route No. 135 (Bethel, Alaska, to Unalakleet, Alaska); from Bethel, Alaska, to Unalakleet, Alaska.

d. In the caption of Jet Route No. 507 the phrase "Deadhorse, Alaska," is deleted and the phrase "Point Barrow, Alaska," is substituted therefor.

In the text of Jet Route No. 507 all preceding the phrase "from Northway, Alaska," is deleted and the phrase "from Point Barrow, Alaska, RBN, via Oliktok, Alaska, RBN; Deadhorse, Alaska, RBN; to Fort Yukon, Alaska," is substituted therefor.

(Sec. 307(a), 1110 Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854 (24 F.R. 9565); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Washington, D.C., on October 6, 1971.

T. McCORMACK,
*Acting Chief, Airspace and
Air Traffic Rules Division.*

[FR Doc. 71-15046 Filed 10-14-71; 8:47 am]

[Airspace Docket No. 71-WA-9]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes; Correction

On September 17, 1971, F.R. Doc. No. 71-13617 was published in the FEDERAL REGISTER (36 F.R. 18576) which amends Part 75 of the Federal Aviation Regulations, effective 0901 G.m.t., November 11, 1971, by adding two area high routes in the east central United States. In one of these routes, J882R Atlanta, Ga., to Detroit, Mich., the third waypoint name was inadvertently listed as Palestine, Ohio, rather than Carlos, Ohio. Therefore, action is taken herein to correct this waypoint name.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER (10-15-71), F.R. Doc. 71-13617 (36 F.R. 18576) is amended as hereinafter set forth.

In J882R Atlanta, Ga., to Detroit, Mich., the third waypoint name "Palestine, Ohio," is deleted and "Carlos, Ohio," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 6, 1971.

T. McCORMACK,
*Acting Chief, Airspace and
Air Traffic Rules Division.*

[FR Doc. 71-15045 Filed 10-14-71; 8:47 am]

[Docket No. 10748; Amdt. No. 135-30]

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Passenger Occupancy of Pilot Seat

The purpose of this amendment to § 135.53 of the Federal Aviation Regulations is to permit a passenger to occupy a pilot seat in an aircraft type certificated prior to the effective date of the amendment with a passenger seating configuration greater than eight.

This amendment is based on a notice of proposed rule making (Notice 70-51) published in the FEDERAL REGISTER on December 20, 1970 (35 F.R. 19796). Twenty-six comments were received in response to the notice.

It is the position of the FAA that with respect to aircraft currently used in Part 135 operations a prohibition against passengers occupying a pilot seat is unduly restrictive inasmuch as the rationale therefor, namely, that a passenger could intentionally or inadvertently interfere with the pilot, does not appear

to be supported by actual operating experience. The comments indicated that the position taken by the FAA in this regard is correct. However, based on the comments received and further FAA study, we believe that the prohibition against passenger occupancy of a pilot seat in the subject aircraft should be retained with respect to aircraft type certificated after the effective date of the amendment. In the absence of operating experience to indicate otherwise, we believe that occupancy of a pilot seat by a passenger may be unsafe with respect to newer and more sophisticated aircraft.

In light of the above, the amendment adopted herein differs from the proposals in the notice to the extent that the prohibition against passenger occupancy of a pilot seat in an aircraft with a passenger seating configuration greater than eight is continued in force with respect to aircraft type certificated after the effective date of the amendment, but is made inapplicable to those type certificated before that date.

It should be noted that § 135.53 applies only to an 11-seat configuration (including the pilot seats); aircraft with fewer seats have always been permitted to carry passengers in the pilot seat and have done so safely. For aircraft with a greater number of seats, § 135.52 requires them to be operated with two pilots thus making the pilot seat unavailable to passengers.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment is relaxatory, I find that good cause exists for making it effective on less than 30 days' notice.

In consideration of the foregoing, § 135.53 of the Federal Aviation Regulations is amended, effective October 15, 1971, to read as follows:

§ 135.53 Passenger occupancy of pilot seat.

No certificate holder may operate an aircraft type certificated after October 15, 1971, that has a passenger seating configuration, excluding any pilot seat, for more than eight passengers if any person other than the pilot in command, a second in command pilot, a company check airman, or an authorized representative of the Administrator, the National Transportation Safety Board, or the Post Office Department occupies a pilot seat.

(Secs. 313(a), 601, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 5, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-15053 Filed 10-14-71;8:48 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-9357]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Authority To Review Requests for Exemption

The Securities and Exchange Commission has further amended its rules under which certain functions of the Commission have been delegated to Directors of Divisions and certain staff officials. The latest amendment delegates to the Director of the Division of Trading and Markets authority under the Securities Exchange Act of 1934 to review requests for exemption from the notice requirements of Rule 10b-17 (17 CFR 240.10b-17) under the Act.¹

Rule 10b-17 requires that issuers of "publicly traded" securities furnished to the NASD or the exchange on which the securities of the issuer are registered timely advance notice of the record date for impending distributions. Subsection (b) (2) of the rule provides that the Commission may, upon application, grant exemptions from these notice requirements in those instances where the NASD does not need the information to keep its members and the investing public informed of impending distributions, and where the proposed activity is clearly not comprehended within the intent and purposes of the rule.² The Commission has determined to delegate to the Director of its Division of Trading and Markets, the authority to grant or deny such applications for exemption, subject to review by the Commission.

Commission action. Pursuant to the provisions of Public Law No. 87-592, 76 Stat. 394, the Securities and Exchange Commission hereby amends Part 200 of Chapter II of Title 17 of the Code of Federal Regulation by adopting § 200.30-3(b) (10) as set forth below.

§ 200.30-3 Delegation of authority to Director of Division of Trading and Markets.

(b) With respect to the Securities Exchange Act of 1934, 15 U.S.C. 78a, et seq.:

¹ See Exchange Act Release No. 9182, and the FEDERAL REGISTER for June 15, 1971, at 30 F.R. 11514, for announcement of the adoption of the rule.

² Those companies submitting notice to the exchange or exchanges on which the securities of the issuer are registered pursuant to comparable exchange rules will, of course, continue to submit requests for exemption from such rules to those exchanges.

(10) Pursuant to § 240.10b-17(b) (2) of this chapter, to review applications of various issuers for exemption from the notice requirements of § 240.10b-17 of this chapter and to grant or deny such applications, with authority to issue orders granting and denying same, provided each applicant is advised of his right to have a denial reviewed by the Commission.

The Commission finds that the foregoing amendment involves matters of agency organization or procedure and that notice and procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553) are not required. The Commission also finds that the provisions of the Administrative Procedure Act regarding postponement of the effective date are inapplicable inasmuch as the foregoing amendment is not of a substantive nature. Accordingly, the foregoing action shall become effective October 5, 1971.

By the Commission.

[SEAL] RONALD E. HUNT,
Secretary.

[FR Doc.71-15063 Filed 10-14-71;8:50 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Fixed-Combination Prescription Drugs for Humans

In the FEDERAL REGISTER of February 18, 1971 (36 F.R. 3126), the Commissioner of Food and Drugs proposed, for reasons given, a policy statement on drugs in fixed combinations for humans. The notice gave 30 days for comments and this was extended to April 19, 1971, by a notice published March 17, 1971 (36 F.R. 5052).

Numerous comments were received in response to the controversial proposal. Over 1,000 physicians submitted comments. Organized medicine was represented by comments from the American Medical Association, the American Dental Association, and 49 other national, state, and county medical groups representing physicians. Drug industry comments came from the Pharmaceutical Manufacturers Association, the Proprietary Association, the National Association of Pharmaceutical Manufacturers, and 29 individual drug manufacturers. Pharmacies were represented by comments from the Academy of Pharmaceutical Sciences, the American Pharmaceutical Association, the National Association of Retail Druggists, the National

Association of Chain Drug Stores, Inc., and 45 individual pharmacists. Sixty private citizens commented.

Principally the objections are:

1. Before promulgating a policy regarding such drugs, the Food and Drug Administration should extensively consult practicing physicians about their use.

2. If the proposed policy is adopted, the Food and Drug Administration will remove most combination drugs from the market which will result in an impairment of medical and dental practice, increased drug costs to patients, increased safety hazards, and decreased convenience for physicians and patients.

3. The Food and Drug Administration does not have the legal authority to issue special guidelines concerning combination products.

4. Over-the-counter combination products should be handled separately.

Regarding these principle objections, the Commissioner finds:

(1) That in consulting with the medical profession an Information Bulletin explaining the policy was sent to all physicians. Additionally, individual letters of explanation were sent to all physicians who wrote the Agency to comment.

(2) The policy statement set forth below will not remove any combination drug which meets the criteria described therein.

(3) There is no substantial question as to the Agency's legal authority to establish this policy.

(4) In recognition of the important differences between over-the-counter and prescription drugs, the statement below is restricted to prescription drugs. A document on fixed combination over-the-counter drugs will be published later.

The comments and other relevant information having been considered, the Commissioner concludes that the proposed policy statement should be revised for clarification and adopted as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 507, 701(a), 52 Stat. 1050-53, as amended, 1055, 59 Stat. 463, as amended; 21 U.S.C. 352, 355, 357, 371 (a)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 3:

§ 3.86 Fixed-combination prescription drugs for humans.

The Food and Drug Administration's policy in administering the new-drug, antibiotic, and other regulatory provisions of the Federal Food, Drug, and Cosmetic Act regarding fixed combination dosage form prescription drugs for humans is as follows:

(a) Two or more drugs may be combined in a single dosage form when each component makes a contribution to the claimed effects and the dosage of each component (amount, frequency, duration) is such that the combination is safe and effective for a significant patient population requiring such concurrent therapy as defined in the labeling for the drug. Special cases of this

general rule are where a component is added:

(1) To enhance the safety or effectiveness of the principal active component.

(2) To minimize the potential for abuse of the principal active component.

(b) If a combination drug presently the subject of an approved new-drug application or antibiotic monograph has not been recognized as effective by the Commissioner of Food and Drugs based on his evaluation of the appropriate National Academy of Sciences-National Research Council panel report, or if substantial evidence of effectiveness has not otherwise been presented for it, then formulation, labeling, or dosage changes may be proposed and any resulting formulation may meet the appropriate criteria listed in paragraph (a) of this section.

(c) A fixed-combination prescription drug for humans that has been determined to be effective for labeled indications by the Food and Drug Administration, based on evaluation of the NAS-NRC report on the combination, is considered to be in compliance with the requirements of this section.

(Secs. 502, 505, 507, 701(a), 52 Stat. 1050-53, as amended, 1055, 59 Stat. 463, as amended; 21 U.S.C. 352, 355, 357, 371(a))

Dated: October 12, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-15114 Filed 10-14-71; 8:52 am]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 303—QUOTAS

Extension of Time for Applications for Manufacturing or Procurement Quotas for Amphetamines

On April 24, 1971, § 303.42 of the regulations implementing the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.) was published in the FEDERAL REGISTER (36 F.R. 7789). This section required that all persons requesting a 1972 procurement quota, according to § 303.12 of the regulations, or a 1972 individual manufacturing quota, according to § 303.22 of the regulations, for basic classes of controlled substances listed in §§ 308.11 (schedule I) and 308.12 (schedule II) of the regulations, file an appropriate application with the Bureau by September 1, 1971.

On July 7, 1971, a final order was published in the FEDERAL REGISTER (36 F.R. 12734) transferring all amphetamines and methamphetamine into schedule II of the Act. Thus, all persons manufacturing or procuring, for compounding and formulating, amphetamines and methamphetamine prior to the rescheduling, who desired to continue to do so in 1972, were required to submit their quota requests to the Bureau by September 1, 1971.

On August 12, 1971, the Distribution Audit Branch of the Bureau mailed to all manufacturers of schedule I and II controlled substances, including those

manufacturing or procuring, for compounding or formulating, amphetamines and methamphetamine, a letter of explanation of the quota procedure. Also enclosed were the appropriate Bureau forms (BND-250 or BND-180) and a comprehensive list of all the controlled substances included within schedules I and II. The date for submission to the Bureau of the quota applications was extended until September 10, 1971.

As of October 8, 1971, the majority of those who in 1971 manufactured or procured, for compounding or formulating, amphetamines and methamphetamine, have failed to submit applications necessary to obtain their 1972 quotas.

Although the Bureau has provided adequate notice to all interested persons concerning the quotas for amphetamines and methamphetamine and although such persons have failed to comply with the filing dates provided, the period within which applications for individual manufacturing quotas or procurement quotas may be filed with the Bureau is hereby extended to October 20, 1971.

Dated: October 8, 1971.

JOHN FINLATOR,
Acting Director, Bureau of
Narcotics and Dangerous Drugs.
[FR Doc.71-15096 Filed 10-14-71; 8:52 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

[Docket No. R-71-128]

PART 241—SUPPLEMENTARY FINANCING FOR FHA PROJECT MORTGAGES

Assurance of Completion

Notice of a proposal to amend the requirements for assurance of completion for Part 241 of the regulations governing supplementary financing of FHA project mortgages was published at 36 F.R. 13620 (July 22, 1971).

Interested persons were given the opportunity to participate in the rule making through submission of written comments or suggestions on or before August 23, 1971. Only one comment was received, which suggested that a bonding requirement serves to eliminate irresponsible builders. We believe, however, that the rule as proposed provides adequate protection, and that any possible additional risk is outweighed by the broader opportunities for smaller builders afforded by this amendment. Therefore the proposed amendment is adopted without change and is set forth below.

Effective date. These regulations are effective November 8, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

§ 241.140 Assurance of completion.

(a) The borrower shall furnish assurance of completion of the improvements to the project, in the form of a personal indemnity agreement, a surety company bond or bonds, a cash escrow deposit, a letter of credit, or an agreement controlling the disbursement of construction funds coupled with a guaranty of performance of the construction contract, as required by the Commissioner. No assurance of completion shall be required in cases not involving insurance of advances, if the Commissioner determines that the work involved in the proposed improvements, additions, or equipment installation does not endanger the existing structure and will not significantly interfere with its use during such work. The personal indemnity agreement and the bonds shall be on forms approved by the Commissioner. The surety company executing a bond must be satisfactory to the Commissioner. Where a cash escrow deposit is used, it shall be established under an agreement with the lender or with a depository satisfactory to the lender and the Commissioner and shall involve cash or securities of, or fully guaranteed as to principal and interest by, the United States of America. Where an agreement controlling the disbursement of funds coupled with a guaranty of performance of the construction contract is used, the agreement shall contain terms satisfactory to the Commissioner. The types of assurance to be furnished are as follows:

(1) Where the estimated cost of the improvements is \$500,000 or less and assurance is required, it may be in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners or individuals operating as the general contractor.

(2) Where the estimated cost of the improvements is more than \$500,000 or where such cost is less than \$500,000 and a personal indemnity agreement is not executed, assurance (if required), may be by a surety company bond or bonds, a cash escrow deposit, a letter of credit, or an agreement controlling the disbursement of construction funds coupled with a guaranty of performance of the construction contract, the amount of which shall be prescribed by the Commissioner.

(b) The lender may accept, in lieu of a cash deposit required by paragraph (a) of this section, an unconditional irrevocable letter of credit issued to the lender by a banking institution. In the event a demand under the letter of credit is not immediately met, the lender shall forthwith provide cash equivalent to the undrawn balance thereunder.

§ 241.160 Cost certification requirements; loans over \$200,000.

(b) *Form of contract.* * * *

(2) *Cost plus fixed fee contract.* * * *

(ii) In any case where the borrower is a nonprofit entity, a cost plus fixed fee contract shall be used unless it is established to the Commissioner's satisfaction

that such form of contract is not required to protect his interests and the interests of the borrower, in which case, a lump sum form of contract may be used.

[FR Doc.71-15095 Filed 10-14-71;8:52 am]

Title 26—INTERNAL REVENUE

Chapter 1—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7145]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Standard of Proof in Certain Child Support Cases

On August 18, 1971, notice of proposed rule making with respect to amendment of the Income Tax Regulations (26 CFR Part 1) under section 152 of the Internal Revenue Code of 1954, relating to the standard of proof in certain child support cases, was published in the FEDERAL REGISTER (36 F.R. 15758). After consideration of all the relevant matter presented by interested persons regarding the rule proposed, the amendment of the regulations as proposed is hereby adopted.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: October 12, 1971.

EDWIN S. COHEN,
*Assistant Secretary
of the Treasury.*

Paragraph (d) (3) of § 1.152-4 is amended to read as follows:

§ 1.152-4 Support test in case of child of divorced or separated parents.

(d) *Exceptions.* * * *

(3) *Actual support.* A noncustodial parent who provides \$1,200 or more support for the child (or if there is more than one child for which he claims an exemption, \$1,200 or more for the combined support for all of such children) shall be treated as having provided more than half the support for the child (or children) notwithstanding any provision to the contrary contained in a decree of divorce or separation or in a written agreement, unless the custodial parent clearly establishes that the custodial parent provided, in fact, more for the support of the child during the calendar year than the noncustodial parent. Under section 152(e) (2) (B) and this subparagraph, if the noncustodial parent establishes that he has provided \$1,200 or more for support of the child, then the custodial parent has the burden of establishing by a clear preponderance of the evidence that the custodial parent

has provided more for the support of the child than has been established by the noncustodial parent in order to be treated as having provided over half of the support of the child. See paragraph (e) of this section with regard to notification and submission of itemized statements.

[FR Doc.71-15082 Filed 10-14-71;8:51 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 3-4.55—Procurements Involving Human Subjects

MISCELLANEOUS AMENDMENTS TO CHAPTER

On June 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11599) stating that the Department of Health, Education, and Welfare was considering an amendment to 41 CFR Chapter 3 by adding a new Subpart 3-4.55 under Part 3-4, Special Types and Methods of Procurement. The purpose of the amendment is to establish policy and procedures to be followed whenever individuals may be at risk as a consequence of participation as a subject in research, development, demonstration, or other activity being conducted under contract.

Interested persons were invited to submit relevant data, views, or arguments within 30 days after publication. Written comments were received, and after due consideration to the views presented, the regulation is revised and hereby adopted as set forth below.

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective date. This amendment shall be effective October 15, 1971, but may be observed earlier.

Dated: October 6, 1971.

N. B. HOUSTON,
*Deputy Assistant Secretary
for Administration.*

1. The table of contents for Part 3-4 is amended by adding new Subpart 3-4.55 as follows:

Subpart 3-4.55—Procurements Involving Human Subjects

| | |
|----------|----------------------|
| Sec. | |
| 3-4.5500 | Scope of subpart. |
| 3-4.5501 | Policy. |
| 3-4.5502 | Applicability. |
| 3-4.5503 | Types of assurance. |
| 3-4.5504 | Notices to offerors. |
| 3-4.5505 | Contract clause. |

Authority: The provisions of this subpart 3-4.55 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

2. New Subpart 3-4.55 is added as follows:

Subpart 3-4.55—Procurements Involving Human Subjects

§ 3-4.5500 Scope of subpart.

This subpart provides policies and procedures to be followed whenever individuals may be at risk as a consequence of participation as a subject in research, development, demonstration, or other activities being conducted under contract.

§ 3-4.5501 Policy.

It is the policy of the Department that no contract involving risk to human subjects shall be awarded until acceptable assurance has been given that the project or activity will be subject to initial and continuing review by an appropriate institutional committee(s) as described in Chapter 1-40, DHEW Grants Administration Manual. Except where the prime contractor holds a General Institutional Assurance (See § 3-4.5502(b)) a separate Special Assurance will be required of each subcontractor or cooperating institution having immediate responsibility for human subjects involved in performance of the contract. Contracts involving human subjects at risk will not be awarded to an individual unless he is affiliated with or sponsored by an institution which can and will assume responsibility for safeguarding the human subjects involved.

§ 3-4.5502 Applicability.

(a) The policy set forth in § 3-4.5501 applies to all contracts which support activities in which subjects may be at risk. The identification of such programs requires the application of sound professional judgment; therefore, such determination should involve professional staff within the component agencies of the Department. HEW staff and consultants serving programs shall be responsible for identifying those specific projects or activities which require application of the policy. The Division of Research Grants, National Institutes of Health is responsible for negotiation of assurances covering all DHEW-supported activities involving human subjects.

(b) Contracting officers shall be guided by recommendations of the Division of Research Grants, NIH, regarding non-award or termination of a contract due to inadequate assurance or breach of assurance for protection of human subjects. General Institutional Assurances (applicable to all HEW grant and contract activities) previously accepted by the DRG-NIH and listed in its current "Cumulative List of Institutions in Compliance with DHEW Policy on Protection of Human Subjects" will be considered acceptable for purposes of this policy. Copies of proposals selected for negotiation and requiring a special assurance shall be forwarded to Director, Office of Institutional Relations, Division of Research Grants, NIH, DHEW, Westwood Building, Bethesda, Md. 20014, as early as possible in order that timely action may be taken to secure such an assurance.

§ 3-4.503 Types of assurance.

Assurances may be one of two types:

(a) *General assurance.* A general as-

surance describes the review and implementation procedures applicable to all DHEW-supported activities within an institution, regardless of the number, location, or types of its components. (See Exhibit X1-40-1, Chapter 1-40, DHEW Grants Administration Manual.) General assurances will be required from institutions having a significant number of concurrent DHEW projects or activities involving human subjects.

(b) *Special assurance.* A special assurance will, as a rule, describe those review and implementation procedures applicable to a single project or activity. (See Exhibit X1-40-2, Chapter 1-40, DHEW Grants Administration Manual.) Special assurances may also be approved in modified forms to meet unusual requirements either of the operating agency or of the institution receiving a contract. Special assurances are not to be solicited from institutions which have accepted general assurances on file.

§ 3-4.5504 Notice to offerors.

(a) Requests for proposals shall contain the following notice to offerors, whenever contract performance is expected to involve risk to human subjects:

NOTICE TO OFFERORS OF REQUIREMENT FOR ADEQUATE ASSURANCE OF PROTECTION OF HUMAN SUBJECTS

Prospective contractors being considered for award will be required to give acceptable assurance that the project described herein will be subject to initial and continuing review by an appropriate institutional committee. This review shall assure that the rights and welfare of the individuals involved are adequately protected, that the risks to an individual are outweighed by the potential benefits to him or by the importance of the knowledge to be gained, and that informed consent will be obtained by methods that are adequate and appropriate.

(b) Institutional review of proposals submitted by institutions having an accepted general assurance should be certified in the manner required by instructions for completion of the contract proposal, or type 1 of the following statements, as appropriate, on the lower or right-hand margin of the page bearing the name of the institutional official authorized to sign or execute proposals for the institution:

(1) "Human Subjects—Reviewed and Approved on _____"
(Date)

NOTE: This date should be no later than 90 days prior to the submission date, and must not be more than 12 months prior to the proposed starting date.

(2) "Human Subjects—Review Pending on _____"
(Date)

NOTE: This date should be at least 1 month earlier than the proposed starting date on the project to avoid possible conflict with the award date.

(c) Special assurances generally will not be requested prior to determination that a contract proposal has been selected for negotiation. When a special assurance is submitted, it provides certification for the initial contract period

concerned. No additional documentation is required. If the terms of the contract provide for additional years of support, with annual obligation of funds, the noncompeting renewal proposal shall be certified in the manner described in the preceding paragraph.

§ 3-4.5505 Contract clause.

The following clause shall be included in contracts involving human subjects:

PROTECTION OF HUMAN SUBJECTS

(a) The Contractor agrees that the rights and welfare of human subjects involved in performance of this contract will be protected in accordance with procedures specified in its current Institutional Assurance on file with the Division of Research Grants, NIH, DHEW. The Contractor further agrees to provide certification at least annually that an appropriate institutional committee has reviewed and approved the procedures which involve human subjects in accordance with the applicable Institutional Assurance accepted by the Division of Research Grants, NIH, DHEW.

(b) The Contractor shall bear full responsibility for the performance of all work and services involving the use of human subjects under this contract in a proper manner and as safely as is feasible. The parties hereto agree that the Contractor retains the right to control and direct the performance of all work under this contract. No provision of this contract shall be deemed to constitute the Contractor or any subcontractor, agent or employee of the Contractor, or any other person, organization, institution, or group of any kind whatsoever, as the agent or employee of the Government. The Contractor agrees that it has entered into this contract and will discharge its obligations, duties, and undertakings and the work pursuant thereto, whether requiring professional judgment or otherwise, as an independent contractor without imputing liability on the part of the Government for the acts of the Contractor or its employees.

[FR Doc.71-14994 Filed 10-14-71;8:45 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 89—PUBLIC SAFETY RADIO SERVICES

Microwave Technical Services

Order. In the matter of amendment of Part 89 of the Commission's rules and regulations to effect certain editorial changes therein.

1. The Commission has before it the desirability of making certain editorial changes in its Public Safety Radio Service Rules to delete from § 89.121 a microwave technical standard footnote which is no longer pertinent.

2. Authority for the amendments is contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.231(d) of the Commission's rules. Because the amendments are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. It is ordered, That Part 89 of the rules and regulations is amended as set forth below, effective October 15, 1971.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: October 5, 1971.

Released: October 6, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] JOHN M. TORBET,
Executive Director.

Part 89 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 89.121, the table is amended by deleting footnote 7 and redesignating footnotes 8 and 9 as footnotes 7 and 8, respectively. The table as amended herein and at 36 F.R. 19503 reads as follows:

§ 89.121 Microwave technical standards.

| Frequency band—MHz | Power ¹ (watts) | Tolerance (percent) | Bandwidth ² | Beamwidth ³ (degrees) |
|------------------------------|-------------------------------|------------------------|------------------------|-------------------------------------|
| 952-960..... | 30 | 0.0005 | 100 kHz..... | 120 |
| 1850-1990..... | 18 | .02 | 8 MHz..... | 10 |
| 2130-2150..... | 15 | .001 | 800 kHz..... | 10 |
| 2150-2160..... | 15 | .001 | 10 MHz..... | 350 |
| 2180-2200..... | 15 | .001 | 800 kHz..... | 10 |
| 2450-2500 ⁴ | 12 | (⁵) | (⁶) | (⁶) |
| 2650-2656 ⁶ | | | | |
| 2662-2668 ⁶ | | | | |
| 2674-2680 ⁶ | | | | |
| 2686-9375 ⁹ | | | | |
| 2687-9375 ⁹ | | | | |
| 2688-9375 ⁹ | | | | |
| 6525-6575..... | 7 | .02 | 25 MHz..... | 7 |
| 6575-6875..... | 7 | .02 | 10 MHz..... | 5 |
| 10550-10650..... | 5 | (⁷) | 25 MHz..... | 4 |
| 12200-12700..... | 5 | .05 | 20 MHz..... | 4 |
| Above 16000..... | 5 | (⁷) | 50 MHz..... | (⁷) |

¹ Maximum rated power output of transmitter. Power in excess of that shown herein will be authorized only under exceptional circumstances based upon a factual showing of need. For pulsed systems average power shall be limited to the values shown, peak power shall not exceed 5 times this limit.

² Maximum bandwidth (necessary or occupied, whichever is greater) which will be authorized. Except in the 2180-2190 and 2190-2200 MHz bands, consideration will be given on a case-by-case basis, to requests for additional adjacent channels based upon a complete and specific factual showing of unique or unusual circumstances, apart from economic considerations, requiring such additional channels. In the band 952-960 MHz, bandwidths up to 600 kHz may be authorized.

³ Maximum beamwidth of major lobe between 0.5 power points in horizontal plane. Exceptions may be granted for stations in remote areas or until harmful interference is caused to other stations operating in accordance with these provisions.

⁴ Subject to no protection from ISM equipment on 2,450 MHz.

⁵ To be specified in the station authorization.

⁶ This frequency band is available only for operational fixed stations employing television transmissions. The transmitting equipment for such stations shall meet the technical standards contained in Part 74, Subpart I, § 74.901, et seq. of this chapter. Use of these frequencies in the Maritime, Aviation, Industrial and Land Transportation Radio Services is secondary to stations in the Public Safety Radio Services. Operational fixed stations authorized in the band 2500-2690 MHz prior to July 16, 1971, may continue to be authorized on a case-by-case basis to other stations operating in accordance with the Table of Frequency Allocations. No expansion of existing systems on frequencies not allocated to this service will be permitted. Additional stations or new assignments may be authorized only in accordance with the provision of this section.

⁷ Except for the frequencies 952.1, 952.2, 952.3, 952.4, 952.5, 952.6, and 952.7 MHz and the frequency pairs 952.9 and 956.3; 959.8 and 956.2; 956.5 and 952.9; and 956.4 and 952.8 MHz, where the beamwidth may be 350°.

⁸ Except for the frequencies 952.1, 952.2, 952.3, 952.4, 952.5, 952.6, and 952.7 MHz, where the maximum power may be 100 watts.

⁹ Response frequencies. When authorized they are to be paired respectively with the bands 2650-2656, 2662-2668, and 2674-2680 MHz, and used in accordance with the technical standards prescribed for ITFS response stations in Part 74, Subpart I, of this chapter.

[FR Doc.71-15017 Filed 10-14-71;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Arrowwood National Wildlife
Refuge, N. Dak.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (10-15-71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of red fox on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,800 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering

the hunting of red fox subject to the following conditions:

(1) Hunting is permitted from sunrise to sunset on November 12, 1971, through March 31, 1972.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 31, 1972.

GLEN R. MILLER,
Acting Refuge Manager, Arrow-
wood National Wildlife Ref-
uge, Edmunds, N. Dak. 58434.

OCTOBER 6, 1971.

[FR Doc.71-15024 Filed 10-14-71;8:45 am]

PART 32—HUNTING

Arrowwood National Wildlife
Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (10-15-71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse and Hungarian partridge on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 15,900 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of sharp-tailed grouse and Hungarian partridge subject to the following conditions:

(1) Hunting is permitted from sunrise to sunset on November 22, 1971, through December 31, 1971.

(2) All hunters must exhibit their hunting license, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 18, 1971.

GLEN R. MILLER,
Acting Refuge Manager, Arrow-
wood National Wildlife Ref-
uge, Edmunds, N. Dak. 58434.

OCTOBER 6, 1971.

[FR Doc.71-15026 Filed 10-14-71;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in North Dakota

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (10-15-71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 10,800 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset on November 12, 1971, and from sunrise to sunset November 13, 1971, through November 21, 1971.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1971.

CHASE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Chase Lake National Refuge, N. Dak., is closed for the 1971 season. Population levels are too low on the refuge to allow hunting.

GLEN R. MILLER,
Acting Refuge Manager, Arrow-
wood National Wildlife Ref-
uge, Edmunds, N. Dak. 58434.

OCTOBER 6, 1971.

[FR Doc.71-15025 Filed 10-14-71; 8:45 am]

Title 32A—NATIONAL DEFENSE,
APPENDIX

Chapter I—Office of Emergency Preparedness

[OEP Economic Stabilization Reg. 1,
Circular No. 20]

SUPPLEMENTARY GUIDANCE FOR APPLICATION

Economic Stabilization Circular No. 20

This circular is designed for general information only. The statements herein

are intended solely as general guides drawn from OEP Economic Stabilization Regulation No. 1 and from specific determinations and policy statements by the Cost of Living Council and do not constitute legal rulings applicable to cases which do not conform to the situations clearly intended to be covered by such guides.

NOTE: Provisions of this and subsequent circulars are subject to clarification, revision and revocation.

This 20th circular covers determinations and policy statements by the Council through October 13, 1971.

APPENDIX I

ECONOMIC STABILIZATION CIRCULAR NO. 20

100. *Purpose.* (1) On August 15, 1971, President Nixon issued Executive Order No. 11615, as amended, providing for stabilization of prices, rents, wages, and salaries and establishing the Cost of Living Council, a Federal agency. The order delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970, as amended. The effective date of the Order was 12:01 a.m., August 16, 1971.

(2) By its Order No. 1 the Council delegated to the Director of the Office of Emergency Preparedness authority to administer the program for the stabilization of prices, rents, wages, and salaries as directed by Section 1 of Executive Order No. 11615, as amended.

(3) The purpose of this circular, the 20th in a series to be issued, is to furnish further guidance to Federal officials and the public in order to promote the program.

200. *Authority.* Relevant legal authority for the program includes the following:

The Constitution.
Economic Stabilization Act of 1970, Public Law 91-379, 84 Stat. 799; Public Law 92-15, 85 Stat. 38.
Executive Order No. 11615, as amended, 36 F.R. 15127, August 17, 1971.
Cost of Living Council Order No. 1, 36 F.R. 16215, August 20, 1971.
OEP Economic Stabilization Regulation No. 1, as amended, 36 F.R. 16515, August 21, 1971.

300. *General guidelines.* (1) The guidance provided in this circular is in the nature of additions to or clarifications of previous determinations and policy statements by the Cost of Living Council covered in previous OEP Economic Stabilization Circulars.

(2) The numbering system used in this circular corresponds to that used in OEP Economic Stabilization Circular No. 101.

400. *Price guidelines.*

402. *Price ceilings.*—(1) *Ceiling price records required to be kept and interim procedures which may be followed pending preparation thereof.* The lists of ceiling prices from which the seller is required to provide information to the public must be available at the place of sale on or before November 1, 1971. The ceiling price list may be a single master

list for the entire establishment or alternatively, separate lists of ceiling prices may be maintained in each section or department of the establishment.

Until the lists are prepared, the seller may utilize the following interim procedure:

(a) There shall be posted on each floor of the seller's establishment at least one sign (minimum of 30 inches by 40 inches), as specified below, announcing availability of ceiling price information:

CEILING PRICE INFORMATION

Information regarding the lawful ceiling price for any item sold by this store may be obtained by filling in a Ceiling Price Information Request Form available at (specify location) and by handing it to (fill in). You will receive a speedy answer by mail.

(b) There shall be made available in at least one location on each selling floor, "Ceiling Price Information Request Forms", as specified below:

CEILING PRICE INFORMATION REQUEST FORM

Please furnish me with your ceiling price for the following item sold in your store

Item _____
(Describe)
Retail Price _____
Style No. _____
Dept. Where Sold _____
Name _____
Address _____
Zip _____

(c) The seller shall respond to all such written requests for ceiling price information within 48 hours using a letter, in substance similar to the one specified below, and signed by the owner or by an officer of the company:

TO: (Name, Address, City, Zip)

Dear _____:
In reply to your request, we are pleased to inform you that our ceiling price for _____ is \$_____.

Sincerely,

(Owner or Company Officer)

403. *Specific guidelines.*—(1) *Literary and artistic royalties.* Increased literary and artistic royalties may be paid during the freeze when such an increase is a part of the contract providing for payment thereof, but only if the higher percentage or contractual rate was specified in a contract agreed upon prior to the freeze.

407. *Commodities and services.*—(1) *Change in transportation services.* A reduction in frequency of schedule is a reduction in the quality of service provided by a transportation company. Elimination of a route is also considered to be a reduction in the quality of service, in that it inconveniences riders of connecting routes in the same transit system. Decreases in the quality of service may not be made without a corresponding reduction in fare unless the regulatory agency having jurisdiction in such matters states that the primary reason for the reduction in service is to adjust for a decrease in demand rather than

an inadequate return on the transportation company's investment or other financial reasons.

409. *Exemptions*—(1) *Exports of services*. Just as with the exports of goods, the rates charged by U.S. firms for services furnished outside the United States to foreign customers are not subject to the freeze.

500. *Wage and salary guidelines*.

502. *Specific guidelines*—(1) *Retroactive wage increases in the construction industry*. Wage increases approved by the Construction Industry Stabilization Committee after August 15, 1971, may go into effect retroactively and continue to be paid throughout the freeze if (a) agreement had been reached prior to August 15 and (b) work was performed or wages accrued at the new rate prior to August 15.

This is, in substance, a recognition that the procedures established by the government for construction stabilization have delayed wage increases that otherwise would have been placed in effect. However, this does not mean automatic approval of such agreements. All agreements will still be subject to the criteria contained in the President's Executive Order No. 11588 of March 29, 1971.

(2) *Office of Emergency Preparedness Economic Stabilization Circular No. 11, section 502(b)* is amended to read as follows:

Increases in the amount of paid vacation given to employees after they have completed a specified length of employment (e.g., increasing vacation from 2 to 3 weeks upon the completion of 10 years' service) may be credited to employee vacation accounts during the freeze. However, the increased vacation time may not be utilized during the period of the freeze.

503. *Promotions and increased training*. The following supplemental guidance is provided for clarification of wage increases permitted under:

(1) *Apprentice Programs*.

(2) *Learner Programs*.

(3) *Probationary Programs*.

(4) *Longevity and Merit Increase Programs*.

(5) *Promotion Programs*.

(6) *Wage Progressions*.

(1) *Apprentice Programs*. A bona fide apprentice program is a recognized formal program of training for those occupations commonly known as skilled trades or crafts. To qualify for the granting of wage increases during the freeze period, the program must have been in operation prior to the freeze date, and:

(a) Be registered with the Bureau of Apprenticeship and Training of the U.S. Department of Labor or with a State apprenticeship agency recognized by that Bureau, or be contained in a collective bargaining agreement, or be a documented, established practice of the employer;

(b) Require a minimum of 2 years of on-the-job training and work experience and related instruction (in the class-

room, by correspondence, or the equivalent) in the course of which the apprentice progressively acquires new skills and masters the application of those already learned, in accordance with a clearly defined program; and

(c) Provide specific wage progressions after specific intervals of time so that the apprentice reaches the journeyman rate at the conclusion of his apprenticeship.

(2) *Learners*. A bona fide learner program is one which must have been in operation prior to the freeze date, and:

(a) Can be documented as an established practice of the employer;

(b) Provides for a schedule of progression(s) to the base or "job rate" during the learning period;

(c) There is a recognizable difference in the level of output or the quality of the job performed by the learner at each step of his progression to the base or job rate; and

(d) Provides on-the-job and/or classroom training whereby the learner assumes greater responsibilities (such as a decrease in supervision or the addition of progressively more difficult duties) or additional functions as he progresses through the steps of the program until he meets the minimum requirements of the job for which he is being trained. Such minimum requirements must be documented, as noted in (a) above.

(3) *Probationary period*. A probationary period is designed to give the employer time to observe the performance of the newly hired employee so that he may decide whether retention of the employee is desirable. For the probationary period, the employee is normally restricted from exercising some employee rights; e.g., the right to fringe benefits, or grievance procedures, etc. A probationary period may or may not be tied in with a bona fide apprentice or learner program. A wage increase may be granted during the freeze at the end of the probationary period which may not exceed 3 months. If the period is longer than 3 months it is not to be considered probationary for the period beyond 3 months, and incremental increases are allowed only for the first 3 months.

(4) *Longevity increases (including merit increases)*. A longevity increase is an increase given primarily for length of service with the employer. A merit increase is given by the employer as a reward for satisfactory service after a review of the employee's service. Neither the longevity nor the merit increase is permissible during the freeze period. A periodic increase (e.g., routine incremental increase annually) is a type of longevity increase and is also not permissible during the freeze, even though such increases may recognize a gradual increase in skill and productivity.

(5) *Promotions*. Promotions are distinguished from longevity and merit increases in that they are increases granted

when an employee is promoted or transferred to a job with larger responsibilities and higher pay. To qualify for a bona fide promotion, the employee must perform the normal duties of the job to which he is promoted. These duties must involve greater knowledge, skills, and duties than those the employee previously performed. It does not follow that there is a promotion merely because the employee is expected to perform his present duties with more skill or less supervision. Slight or inconsequential changes in duties, such as an increase in the amount of the same type of work already being performed, would not constitute a bona fide promotion. Transfers to a newly created position, which includes greater responsibilities, are treated differently from normal promotions in that the wage or salary established for the new position must be based on the wage or salary for comparable positions within the same organization, or within similar nearby organizations.

The following promotions in the field of education are permissible under the above criteria: (a) Increases to a new position; e.g., from teacher to principal; (b) increases from instructor to assistant professor and from assistant professor to associate professor, and so on; and (c) increases as a result of educational attainments such as when a teacher receives an advanced degree.

(6) *Wage progressions*. Wage increases set forth in wage progression schedules are not permissible during the freeze period unless they qualify under the apprenticeship, learner, or probationary programs described above, or as a bona fide promotion.

504. *Fringe Benefits*—(1) *Thrift incentive plans, employees joining during freeze*. A company operates a thrift incentive plan for its employees in which payroll deductions are channeled into a savings account for the employee and, if no withdrawals are made, the company makes a contribution to the account at the end of the year. Employees do not become eligible for this program until after 3 years' service. (Employees are not limited—e.g., to once a year—as to when they may begin the plan.) Employees may not enter such a plan during the freeze since this is equivalent to receiving a longevity wage increase.

(2) *Hospitalization insurance, discrimination in benefits*. Where employees receive hospitalization insurance that differentiates between single and married persons (in favor of the latter), an employee who marries during the freeze nevertheless thus becomes eligible for the increased benefits.

(3) *Group life insurance plan, employee financed*. Employees are eligible upon reaching a certain age to qualify for a group life insurance plan for which they pay the entire cost, no subsidy from

RULES AND REGULATIONS

the employer being involved. Employees may join such a plan upon reaching the appropriate age even during the wage-price freeze. This is permitted since there is no employer contribution.

1001. *Effective date.* This circular, unless modified, superseded, or revoked,

a period terminating at midnight of November 13, 1971.

Dated: October 14, 1971.

G. A. LINCOLN,
Director,

Office of Emergency Preparedness.

[FR Doc. 71-15192 Filed 10-14-71; 3:26 pm]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 201]

DISTILLED SPIRITS PLANTS

Proposal Regarding Conversion of Denatured Alcohol

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol, Tobacco, and Firearms Division, Internal Revenue Service, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol, Tobacco, and Firearms Division, within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOENNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to liberalize the requirements respecting conversion of specially denatured alcohol to other formulas, § 201.411 of regulations in 26 CFR Part 201 is amended to read as follows:

§ 201.411 Conversion of specially denatured alcohol.

(a) *Conversion to Formula No. 1.* Any specially denatured alcohol, except Formulas No. 3-A and No. 30, may be converted to specially denatured alcohol, Formula No. 1, in accordance with the formulation prescribed in § 212.16 of this chapter or in accordance with other formulations as may otherwise be provided for by the Director under the provisions of § 212.65 of this chapter.

(b) *Conversion to Formula No. 29.* Any specially denatured alcohol may be converted to specially denatured alcohol, Formula No. 29, by the addition of acet-aldehyde or ethyl acetate, in accordance

with the formulations prescribed in § 212.39(a) of this chapter.

(c) *Conditions governing conversion and use.* The quantities of denaturants required for conversions authorized in paragraphs (a) and (b) of this section shall be determined on the basis of the alcohol in the formulations. Specially denatured alcohol resulting from such conversions shall be manufactured into articles or used in processes by the proprietor who converted it, or by his controlled or wholly owned subsidiaries (as defined in § 201.206), unless its use by another manufacturer or user (as defined in Part 211 of this chapter) is authorized by the Director. Specially denatured alcohol converted to Formula No. 29 may be used as authorized in § 212.39(b) of this chapter except that it shall not be used in the manufacture of vinegar, drugs, or medicinal chemicals, and the conditions governing use provided in § 212.39(c) of this chapter shall apply.

(d) *Conversion to completely denatured alcohol.* Any specially denatured alcohol not containing methanol or wood alcohol may be converted to any one of the completely denatured alcohol formulas, prescribed in Part 212 of this chapter, by adding the required denaturants.

(72 Stat. 1369; 26 U.S.C. 5242)

[FR Doc.71-15097 Filed 10-14-71; 8:52 am]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Parts 55, 56, 57]

METAL AND NONMETALLIC OPEN PIT AND UNDERGROUND MINES AND SAND, GRAVEL AND CRUSHED STONE OPERATIONS

Withdrawal of Proposed Health and Safety Standards

Notice of proposed rule making with respect to health and safety standards for metal and nonmetallic open pit and underground mines and sand, gravel and crushed stone operations was published in the FEDERAL REGISTER on January 16, 1969 as follows:

Part 55—Health and Safety Standards—Metal and Nonmetallic Open Pit Mines (34 F.R. 656).

Part 56—Health and Safety Standards—Sand, Gravel and Crushed Stone Operations (34 F.R. 666).

Part 57—Health and Safety Standards—Metal and Nonmetallic Underground Mines (34 F.R. 677).

Most of the standards proposed on January 16, 1969 were promulgated in two separate issues of the FEDERAL REGISTER as follows:

July 31, 1969

Part 55 (34 F.R. 12503).

Part 56 (34 F.R. 12510).

Part 57 (34 F.R. 12517).

February 25, 1970

Part 55 (35 F.R. 3600).

Part 56 (35 F.R. 3665).

Part 57 (35 F.R. 3670).

The standards promulgated on July 31, 1969 were those with respect to which no comments or objections had been received. The standards promulgated on February 25, 1970 were those with respect to which comments or objections were received but the problems associated with such standards had been satisfactorily resolved. There remain as yet unpromulgated a number of standards proposed on January 16, 1969 in each Part 55, 56, and 57. These are proposed standards which have presented special problems requiring extensive study and consideration. The Department and the Federal Metal and Nonmetal Mines Advisory Committee is currently considering such standards and working towards developing acceptable solutions to the problems associated with them. We anticipate publishing new proposed rule making concerning most of these standards in a short time and it has been determined that the original unpromulgated proposals should be withdrawn.

Accordingly, all standards proposed on January 16, 1969 in Parts 55, 56, and 57, which have not been promulgated to date are hereby withdrawn and rescinded and no further action on them will be taken until further proposed rule making respecting them is published.

Following is a list of all such residual proposed standards by Part and standard number as published on January 16, 1969:

PART 55—HEALTH AND SAFETY STANDARDS—METAL AND NON-METALLIC OPEN PIT MINES

| Sec. | |
|-----------|----------------------------|
| 55.6 | Explosives. |
| 55.6-6 | |
| 55.6-7 | |
| 55.6-48 | |
| 55.6-49 | |
| 55.6-87 | |
| 55.6-111 | |
| 55.6-117 | |
| 55.9 | Loading, hauling, dumping. |
| 55.9-37 | |
| 55.12 | Electricity. |
| 55.12-17 | |
| 55.19 | Man hoisting. |
| 55.19-46 | |
| 55.19-47 | |
| 55.19-48 | |
| 55.19-59 | |
| 55.19-114 | |
| 55.19-134 | |
| 55.21 | Savings provision. |
| 55.21-1 | |
| 55.21-2 | |
| 55.21-3 | |

PART 56—HEALTH AND SAFETY STANDARDS—SAND, GRAVEL AND CRUSHED STONE OPERATIONS

| | |
|-----------|----------------------------|
| Sec. | |
| 56.6 | Explosives. |
| 56.6-6 | |
| 56.6-7 | |
| 56.6-38 | |
| 56.6-48 | |
| 56.6-62 | |
| 56.6-87 | |
| 56.6-111 | |
| 56.6-117 | |
| 56.9 | Loading, hauling, dumping. |
| 56.9-6 | |
| 56.9-7 | |
| 56.12 | Electricity. |
| 56.12-17 | |
| 56.14 | Use of equipment. |
| 56.14-28 | |
| 56.19 | Man hoisting. |
| 56.19-46 | |
| 56.19-47 | |
| 56.19-48 | |
| 56.19-59 | |
| 56.19-114 | |
| 56.19-134 | |
| 56.21 | Savings provision. |
| 56.21-1 | |
| 56.21-2 | |
| 56.21-3 | |

PART 57—HEALTH AND SAFETY STANDARDS—METAL AND NON-METALLIC UNDERGROUND MINES

| | |
|------------|----------------------------|
| Sec. | |
| 57.6 | Ventilation and radiation. |
| 57.6-1 | |
| 57.6-5 | |
| 57.6-12 | |
| 57.6-21(b) | |
| 57.6-24 | |
| 57.7 | Explosives. |
| 57.7-2 | |
| 57.7-5 | |
| 57.7-6 | |
| 57.7-25 | |
| 57.7-26 | |
| 57.7-77 | |
| 57.7-93 | |
| 57.7-126 | |
| 57.7-191 | |
| 57.7-197 | |
| 57.10 | Loading, hauling, dumping. |
| 57.10-26 | |
| 57.10-95 | |
| 57.10-101 | |
| 57.14 | Electricity. |
| 57.14-15 | |
| 57.21 | Man hoisting. |
| 57.21-46 | |
| 57.21-47 | |
| 57.21-48 | |
| 57.21-59 | |
| 57.21-109 | |
| 57.21-129 | |
| 57.22 | Gassy mines. |
| 57.22-60 | |
| 57.22-63 | |
| 57.22-64 | |
| 57.22-75 | |
| 57.22-80 | |
| 57.23 | Miscellaneous. |
| 57.23-30 | |
| 57.24 | Savings provision. |
| 57.24-1 | |
| 57.24-2 | |
| 57.24-3 | |

LEWIS M. HELM,
Acting Assistant Secretary
of the Interior.

OCTOBER 7, 1971.

[FR Doc.71-15076 Filed 10-14-71;8:50 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1030]

MILK IN CHICAGO REGIONAL MARKETING AREA

Notice of Proposed Temporary Revision of Shipping Percentage

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the provisions of § 1030.11(b) (6) of the order, the temporary revision of a certain provision of the order regulating the handling of milk in the Chicago Regional marketing area is being considered for the month of October 1971.

All persons who desire to submit written data, views, or arguments in connection with the proposed revision should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provision proposed to be revised is the supply plant shipping percentage of 40 percent set forth in § 1030.11(b) (4), that is applicable during the month of October. Pursuant to the provisions of § 1030.11(b) (6) the supply plant shipping percentages set for in § 1030.11(b) (4) shall be increased or decreased by up to 10 percentage points during the months of August-December, if necessary to obtain needed shipments or to prevent uneconomic shipments.

To fulfill their fluid milk requirements, distributing plants obtain milk from supply plants to supplement their receipts of milk directly from producers. During the seasonally short production months of September-November more than one-half of the receipts of milk at distributing plants in this market are obtained from supply plants.

Many operators of distributing plants in the market have arrangements with specific supply plants to obtain supplemental supplies. Over one-half of the shipments of supply plant milk in the market, however, is coordinated through one agent. Most of the milk supply for distributing plants in the metropolitan Chicago segment of the market is obtained through such agent. The agent arranges the shipments from among a large group of supply plants so as to qualify such plants for pool status. Most of these plants are operated by cooperative associations that handle much of the reserve milk supplies associated with the market.

During September 1971 distributing plants utilized 41.5 percent of the milk associated with this group of supply

plants. The agent estimates that for October, however, shipments of milk from such plants to pool distributing plants will fall below 40 percent of the receipts at the supply plants.

Class I sales are expected to be about 5 percent below normal this October because of fewer sales days. (There are five Sundays and two holidays.) Qualifying shipments will be reduced due to an order amendment to account for shipments on the basis of the day they are received at the distributing plant instead of the day of the shipment from the supply plant. (Many shipments are loaded out of supply plants late in the day and arrive at distributing plants after midnight.)

This market situation may encourage handlers to modify normal marketing practices to meet the 40 percent shipping requirement for October. One handler has routed some of his direct receipts of producer milk at his distributing plant through his supply plant to insure that the proportion of milk shipped from the supply plant is sufficient to qualify the supply plant.

Preliminary investigation shows that it may be appropriate to decrease the shipping percentage by 10 percentage points for the month of October 1971 to prevent uneconomic shipments.

Signed at Washington, D.C., on October 8, 1971.

H. L. FOREST,
Director, Dairy Division.

[FR Doc.71-15093 Filed 10-14-71;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 295]

SUBSTANCES SUBJECT TO THE COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

Proposed Child Protection Packaging Standards

Section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513; 84 Stat. 1236 et seq.; 21 U.S.C. 801 et seq.) establishes five schedules of controlled substances and provides for periodic updates and republications of such schedules. In the FEDERAL REGISTER of April 24, 1971 (36 F.R. 7776), the Director of the Bureau of Narcotics and Dangerous Drugs promulgated regulations to implement said act. The five schedules of controlled substances are set forth in 21 CFR 308.11 through 308.15.

Section 201(c) of that act lists eight factors to be considered by the Attorney General in classifying a substance as a controlled substance, as follows:

1. Its actual or relative potential for abuse.

2. Scientific evidence of its pharmacological effect, if known.

3. The state of current scientific knowledge regarding the drug or other substance.

4. Its history and current pattern of abuse.

5. The scope, duration, and significance of abuse.

6. What, if any, risk there is to the public health.

7. Its psychic or physiological dependence liability.

8. Whether the substance is an immediate precursor of a substance already controlled under section 202 of said act.

The Commissioner of Food and Drugs has information indicating that controlled substances may cause serious injury and illness when accidentally ingested by children under 5 years of age. For example, 1970 Poison Control Reports by the National Clearinghouse on Poison Control on accidental ingestions by children under 5 show 945 ingestions and 108 hospitalizations from amphetamine-type products, 437 ingestions and 73 hospitalizations from barbiturate sedative products, 17 ingestions and 1 hospitalization from meprobamate, and 10 ingestions and 5 hospitalizations from methadone.

The scientific, medical, and other evidence indicating that a drug or other substance should be a controlled substance under said act also indicates that such drug or other substance is potentially injurious if accidentally ingested by children.

The Commissioner, having considered the above information and having consulted with the Technical Advisory Committee pursuant to sections 3 and 6 of the Poison Prevention Packaging Act of 1970, finds that the nature of the hazard to children posed by controlled substances, by reason of their availability and packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling or using such substances. The Commissioner also finds that such packaging is technically feasible, practicable, and appropriate for such substances.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670-72; 15 U.S.C. 1471-74) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to add to Part 295—Regulations Under the Poison Prevention Packaging Act of 1970 (36 F.R. 13335) two new sections as follows (other portions of these sections dealing with other substances have already been proposed: 36 F.R. 17512, 18012, and 19124):

§ 295.2 Substances requiring "special packaging."

(a) *Substances.* The Commissioner has determined that special packaging within the meaning of section 2(4) of the act and as specified in this part is required to protect children from serious personal injury or serious illness and that such packaging is technically feasible,

practicable, and appropriate for the following substances:

(4) Any drug consisting in whole or in part of a substance subject to control by the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.) and listed in Part 308 (including §§ 308.22 and 308.32) of Chapter II of this Title 21 that is in a dosage form customarily consumed, used, or stored in or about the household shall be packaged in accordance with the provisions of § 295.3(a) (1).

(b) *Sample packages.* (1) None of the substances listed under paragraph (a) of this section shall be distributed in a non-complying package under the exemption provided in section 4(a) of the act unless the manufacturer or packer first provides the Commissioner of Food and Drugs with a sample of such intended noncomplying package. A sample of each size package of each substance which a manufacturer or packer distributes in "special packaging" shall also be submitted. Sample packages should be sent to the Food and Drug Administration, Attention: Bureau of Product Safety, 5600 Fishers Lane, Rockville, MD 20852.

(2) Sample packages should be submitted without contents when such contents are unnecessary for demonstrating the effectiveness of the packaging.

(3) Any sample packages containing drugs listed under paragraph (a) of this section should be sent by registered mail.

(4) In subparagraph (1) of this paragraph, "manufacturer or packer" does not include pharmacists or other individuals who dispense, at the retail or user level, drugs listed under paragraph (a) of this section.

§ 295.3 Poison prevention packaging standards.

(a) To protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, the Commissioner had determined that packaging designed and constructed to meet the following standards shall be regarded as "special packaging" within the meaning of section 2(4) of the act. Specific application of these standards to substances requiring special packaging is in accordance with § 295.2.

(1) Special packaging which when tested by the method described in § 295.10 of this part meets the following specifications:

(i) Child-resistant effectiveness not less than 85 percent without a demonstration and not less than 80 percent after a demonstration of the proper means of opening such special packaging.

(ii) Adult-use effectiveness not less than 90 percent.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-38, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accom-

panied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 6, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-15040 Filed 10-14-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-NW-2]

ADDITIONAL CONTROL AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area between Fortuna, Calif., and the Gateway Hemlock Intersection.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its standards and recommended practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

If the airspace action proposed in this docket is adopted, an additional control area would be designated as follows:

CONTROL 1416

That airspace within 5 miles each side of the Fortuna, Calif., VORTAC 326° T (307° M) radial and the additional area between lines diverging at angles of 5° each side of the 326° T (307° M) radial, extending from the VORTAC to the Gateway Hemlock Intersection; excluding the airspace below 5,000 feet MSL which lies outside the continental limits of the United States.

The proposed control area extension would provide needed controlled airspace for minimum time track for aircraft flying between Tokyo and San Francisco, and also between Anchorage and San Francisco.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 6, 1971.

T. McCORMACK,
*Acting Chief, Airspace and
Air Traffic Rules Division.*

[FR Doc.71-15057 Filed 10-14-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-RM-22]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71

of the Federal Aviation Regulations that would alter the description of the Moab, Utah, transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, Post Office Box 7213, Denver, CO 80207. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10255 East 25th Avenue, Aurora, CO 80010.

Instrument holding and approach procedures have been amended to utilize the 301° radial of the Moab VOR in lieu of the 326° radial requiring a 25° counterclockwise rotation of the controlled airspace requirements. Additionally, the 1,200-foot portion of the transition area is no longer required, since overlying airway structure provides sufficient controlled airspace for aircraft operating upward from 1,500 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (36 F.R. 2140) the description of the Moab, Utah, transition area as amended in § 71.181 (36 F.R. 3113) is further amended to read as follows:

MOAB, UTAH

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Canyonlands Airport, Moab, Utah (latitude 38°45'40" N., longitude 109°44'50" W.) and within 7 miles northeast and 10 miles southwest of the Moab VOR (latitude 38°45'22" N., longitude 109°44'55" W.) 301° radial extending from the VOR to 18.5 miles northwest of the VOR.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colo., on October 4, 1971.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.71-15058 Filed 10-14-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-95]

CONTROL AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter Control Area No. 1216.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are

exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace action proposed in this docket would:

Redesignate Control 1216 as that airspace extending upward from 2,000 feet MSL bounded on the north and east by a line extending from the Navy New Orleans, La., RBN to Lat. 29°42'50" N., long. 88°49'30" W.; to lat. 29°36'10" N., long. 88°01'30" W.; to lat. 29°25'20" N., long. 86°48'00" W.; to lat. 28°41'30" N., long. 86°48'00" W.; to lat. 28°55'00" N., long. 88°00'00" W.; thence south along long. 88°00'00" W. to the north boundary of the Houston Oceanic Control Area; on the south by the Houston Oceanic Control Area, on the west by long. 90°15'00" W.; on the northwest by the Louisiana transition area.

This redesignated control area would include additional controlled airspace east of long. 88°00'00" W. to be utilized by air traffic control for the accommodation of Navy air training activities within the Pensacola, Fla., complex.

This amendment is proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 6, 1971.

T. McCORMACK,
*Acting Chief, Airspace and
Air Traffic Rules Division.*

[FR Doc.71-15059 Filed 10-14-71; 8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-96]

CONTROL AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter Control 1152 to include the airspace extending upward from FL 230 within Warning Area W-177.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action

is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its standards and recommended practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes to alter Control 1152 to include the following:

That airspace extending upward from FL 230 bounded by a line beginning at lat. 33°51'30" N., long. 78°07'30" W.; to lat. 33°50'30" N., long. 78°07'50" W.; to lat. 32°36'15" N., long. 78°26'35" W.; to lat. 32°50'40" N., long. 79°23'15" W.; to lat. 32°58'30" N., long. 79°18'00" W.; to lat. 33°04'55" N., long. 79°13'10" W.; thence via a line 3 nautical miles from and parallel to the shoreline to lat. 33°14'15" N., long. 79°08'15" W.; to lat. 33°19'40" N., long. 79°02'10" W.; to lat. 33°27'40" N., long. 78°55'20" W.; thence

counterclockwise along a 15-mile-radius circle centered on the Conway TACAN to lat. 33°40'10" N., long. 78°40'15" W.; to lat. 33°50'30" N., long. 78°23'45" W.; thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning.

This additional controlled airspace would be utilized for radar vectoring high altitude air traffic transitioning from the coastal route system and Control 1150.

Concurrent with the alteration of Control 1152, nonrule making action will be taken to alter the description of W-177 by establishing the controlling agency as the Federal Aviation Administration, Jacksonville ARTC Center and raising the established altitude from FL 400 to FL 500.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 6, 1971.

T. McCORMACK,
*Acting Chief, Airspace and
Air Traffic Rules Division.*

[FR Doc.71-15060 Filed 10-14-71; 8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-158]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Memphis, Tenn. (NAS), transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Memphis, Tenn. (NAS), transition area described in § 71.181 (36 F.R. 2140 and 8307) would be amended as follows:

"* * * 8.5 miles east of the RBN * * *" would be deleted and "* * * 8.5 miles east of the RBN; within a 7-mile radius of Arlington Municipal Airport (lat. 35°16'58" N., long. 89°40'22" W.); within 3 miles each side of the 161° bearing from Loosahatchie RBN (lat. 35°17'04" N., long. 89°40'19" W.), extending from the 7-mile radius area to 8.5 miles south of the RBN * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Arlington Municipal Airport. Two prescribed instrument approach procedures to this airport, utilizing the Loosahatchie (private) non-directional radio beacon, are proposed in conjunction with the alteration of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on October 5, 1971.

ROBERT O. BLANCHARD,
Acting Director, Southern Region.

[FR Doc.71-15061 Filed 10-14-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-WE-45]

FEDERAL AIRWAY SEGMENT

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter a segment of VOR Federal airway No. 66.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of the comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to alter the segment of V-66 airway between the Mescal, Ariz., Intersection and the Animas, N. Mex., Intersection by terminating its upper limits at 13,000 feet MSL.

This proposed action would provide off airway airspace above this segment of

V-66 wherein air combat training activity may be conducted.

The en route traffic volume along this segment of V-66 is limited. The latest FAA peak day airway traffic survey shows six aircraft movements between the Mescal intersection and the Douglas, Ariz., VORTAC, and only one aircraft movement between the Douglas VORTAC and the Animas intersection. In addition, it has been determined that the arriving and departing air traffic from the Douglas terminal area can be adequately accommodated on this segment of V-66 at altitudes of 13,000 feet and below.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 6, 1971.

T. MCCORMACK,
*Acting Chief, Airspace and
Air Traffic Rules Division.*

[FR Doc.71-15063 Filed 10-14-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-67]

TRANSITION AREA

Proposed Designation; Supplemental Notice

On page 12111 of the FEDERAL REGISTER for June 25, 1971, the Federal Aviation Administration published a proposal to amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area to provide controlled airspace for aircraft executing a new VOR Runway 24 instrument approach procedure to the New Garden Flying Field, Toughkenamon, Pa.

Subsequent to the issuance of the Notice of Proposed Rule Making the instrument approach procedure to New Garden Field was amended, requiring that the approach be commenced from a holding pattern. This procedural change will require an extension of the transition area to the northeast to include the airspace within the holding pattern area.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel; Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Toughkenamon, Pa., proposes to amend notice of proposed rule making No. 71-EA-67

1. By deleting the description of the Toughkenamon, Pa. Transition Area and inserting in lieu thereof the following:

TOUGHKENAMON, PA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°49'55" N., 75°46'08" W. of the New Garden Flying Field, Toughkenamon, including that airspace 5 miles west and 3 miles east of the Modena, Pa., VORTAC 047° radial extending from 5 miles southwest to 10 miles northeast of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)] 1.

Issued in Jamaica, N.Y., on September 29, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.71-15054 Filed 10-14-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-GL-4]

FEDERAL AIRWAY SEGMENTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airway Nos. 170 and 218.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW.,

Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following airspace actions:

1. Realign V-170 segment from Fairmont, Minn., direct Rochester, Minn., direct to Nodine, Minn.

2. Realign V-218 segment from Waukon, Iowa, direct to Minneapolis, Minn.

The realignment of V-218 will provide a transition route bypassing Rochester, Minn., for high altitude traffic landing within the Minneapolis terminal area. The realignment of V-170 will provide a replacement route for the segment of V-218 between Fairmont and Rochester and will provide route continuity to Nodine.

These amendments are proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 6, 1971.

T. McCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.71-15056 Filed 10-14-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-122]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Wrightstown, N.J., transition area (36 FR. 2297).

A new VOR instrument approach procedure to Burlington County Airpark, Mount Holly, N.J., was authorized recently. To provide controlled airspace for this procedure requires an alteration of the 700-foot floor transition area.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Wrightstown, N.J., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Wrightstown, N.J. 700-foot floor transition area by adding, "within a 6-mile radius of the center of 39°56'30" N., 74°50'30" W. of Burlington County Airpark, Mt. Holly, N.J." between the phrases, "extending from the 7-mile-radius area to the Coyle VORTAC", and, "excluding the portion within the New York, N.Y. Transition Area;"

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on September 29, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.71-15055 Filed 10-14-71;8:48 am]

[14 CFR Part 75]

[Airspace Docket No. 71-SW-5]

JET ROUTES

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 75 of the Federal Aviation Regulations that would alter segments of Jet Routes Nos. 2, 4, 50, and 104.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following airspace actions:

1. Realign Jet Route No. 2 segment from Gila Bend, Ariz., direct Cochise, Ariz.; direct to El Paso, Tex.

2. Realign Jet Route No. 4 segment from Blythe, Calif., via the intersection of Blythe 096° T (082° M) and Casa Grande, Ariz., 294° T (280° M) radials; Casa Grande; San Simon, Ariz.; Newman, Tex., to Wink, Tex.

3. Realign and extend Jet Route No. 50 from Wink, via the intersection of Wink 264° T (253° M) and El Paso 093° T (081° M) radials; El Paso; intersection of El Paso 275° T (263° M) and San Simon 105° T (092° M) radials; to San Simon.

4. Extend Jet Route No. 104 from Gila Bend via the intersection of Gila Bend 299° T (285° M) and Blythe 096° T (082° M) radials; to Blythe.

These proposed actions provide for the establishment of a parallel jet route structure to facilitate the movement of turbo jet traffic operating from over Blythe via El Paso to Wink.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 7, 1971.

T. McCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.71-15062 Filed 10-14-71;8:49 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Licensing of Facilities Used for Industrial or Commercial Purposes

The purpose of the proposed amendments is to define the circumstances under which research and development and training reactors will be considered to be used "substantially for industrial or commercial purposes", and thus licensable by the Commission under section 103 of the Atomic Energy Act of 1954, as amended (the Act).

Public Law 91-560, enacted on December 18, 1970, amended the Act by, among other things, eliminating the requirement that the Commission make "a finding in writing that any type of utilization or production facility has been sufficiently developed to be of practical value for industrial or commercial purposes" before the Commission may issue commercial licenses under section 103 of the Act for such facilities. Under section 102 of the Act, as amended by Public Law 91-560, utilization or production facilities for commercial or industrial purposes must, with certain exceptions, be licensed under section 103. Applications for licenses under section 103 are subject to the special antitrust provisions of section 105, to mandatory hearing requirements of section 189, and to the requirements for review by the Advisory Committee on Reactor Safeguards in section 182.

The legislative history of Public Law 91-560 indicates that the principal purpose of the legislation was to subject new applications for production and utilization facilities formerly licensed under section 104b of the Act as research and development facilities—power reactors and fuel reprocessing plants—to licensing under section 103. The legislative history also shows that the Congress was aware that some applications for facilities to be licensed under section 104c as research reactors might also be considered "for industrial or commercial purposes" if such reactors had such a purpose to a significant extent (S. Rep. No. 91-1247, 91st Cong., second sess., at 28 (1970)). Such facilities might include, for example, research reactors that are used to produce radioisotopes for sale or that are used for neutron radiography on a commercial basis.

The proposed amendments to § 50.22 of Part 50 which follow would categorize as a facility "for industrial or commercial purposes" a facility designed or used so that more than 50 percent of the annual cost of owning and operating the facility is devoted to the production of materials, products, or energy for sale or commercial distribution, or for the sale of services, other than research and development or education or training. Under this construction, a license issued to a nonprofit educational institution for a facility for training or training purposes only would continue to be licensed under section 104c of the Act, since the licensed operation would not be devoted to production of goods or services for sale or commercial distribution.

It is recognized that some adjustment may be needed in the license fees payable by holders of licenses that presently fall within the "research reactor" category in 10 CFR Part 170, Fees for Facilities and Materials Licenses Under the Atomic Energy Act of 1954, as amended. Such adjustments and related changes in 10 CFR Part 170 will be considered by the Commission as part of its continuing consideration of the license fees assessed against Commission licensees.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments of 10 CFR Part 50 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that time will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

1. Paragraph (c) of § 50.21 is amended to read as follows:

§ 50.21 Class 104 licenses; for medical therapy and research and development facilities.

A class 104 license will be issued, to an applicant who qualifies, for any one or more of the following: To transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export under the terms of an agreement for cooperation:

(c) A production or utilization facility, which is useful in the conduct of research and development activities of the types specified in section 31 of the Act, and which is not a facility of the type specified in paragraph (b) of this section or in § 50.22.

2. Section 50.22 is amended to read as follows:

§ 50.22 Class 103 licenses; for commercial and industrial facilities.

(a) A class 103 license will be issued, to an applicant who qualifies, for any one or more of the following: To transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export under the terms of an agreement for cooperation, a production or utilization facility for industrial or commercial purposes: *Provided, however,* That, in the case of a production or utilization facility which is useful in the conduct of research and development activities of the types specified in section 31 of the Act, such facility is deemed to be for industrial or commercial purposes if the facility is to be used so that more than 50 percent of the annual cost of owning and operating the facility is devoted to the production of materials, products, or energy for sale or commercial distribution, or to the sale of services, other than research and development or education or training.

(Secs. 103, 161, 68 Stat. 948, 84 Stat. 1472; 42 U.S.C. 2133, 2201)

Dated at Germantown, Md., this 1st day of October 1971.

F. T. HOBBS,
Assistant Secretary
of the Commission.

[FR Doc.71-10566 Filed 10-14-71;8:49 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 125, 225]

[Docket No. R-429]

PRESERVATION OF RECORDS OF PUBLIC UTILITIES AND LICENSEES, AND NATURAL GAS COMPANIES

Notice of Proposed Rule Making

OCTOBER 4, 1971.

Pursuant to 5 U.S.C. 553, the Commission gives notice it proposes to revise: (a) Part 125—Preservation of Records of Public Utilities and Licensees in Subchapter C—Accounts, Federal Power Act, Chapter I, Title 18, Code of Federal Regulations; and (b) Part 225—Preservation of Records of Natural Gas Companies

in Subchapter F—Accounts, Natural Gas Act, Chapter I, Title 18, Code of Federal Regulations.

Important administrative developments in the electric and gas industry since the adoption in 1962 of the Commission's present regulations on records retention indicate the need for the revision now being proposed. The primary revisions are: Provision in the general instructions for the acceptability of various media forms, which will become the "original" for that particular record (paper and card stock; tape, magnetic and punched; microforms, microfilm and metallic recording data strips); provision for shortened retention periods for certain types of records; and provision for nuclear production records.

The proposed revisions of Part 125—Preservation of Records of Public Utilities and Licensees in Chapter I, Title 18 CFR, and of Part 225—Preservation of Records of Natural Gas Companies in Chapter I, Title 18 CFR, would be issued under the authority granted the Federal Power Commission by the Federal Power Act, as amended, particularly sections 301, 304, and 309 thereof (49 Stat. 854, 855, 856, 858, and 859; 16 U.S.C. 825, 825c, and 825h) and by the Natural Gas Act, as amended, particularly sections 8, 10, and 16 thereof (52 Stat. 825, 826, and 830; 15 U.S.C. 717g, 717l, and 717o), respectively.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than November 18, 1971, data, views, comments, or suggestions in writing concerning all or part of the revisions proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions. The staff, in its discretion, may grant or deny requests for conference.

A. It is proposed to revise Part 125, Chapter I, Title 18 of the Code of Federal Regulations so that it will read as follows:

PART 125—PRESERVATION OF RECORDS OF PUBLIC UTILITIES AND LICENSEES

Sec.
125.1 Promulgation.
125.2 General instructions.
125.3 Schedule of records and periods of retention.

AUTHORITY: The provisions of this Part 125 issued under secs. 301, 304, 309, 49 Stat. 854, 855, 856, 858, 859; 16 U.S.C. 825, 825c, 825h.

§ 125.1 Promulgation.

(a) This part is prescribed and promulgated as the regulations governing the preservation of records by public utilities subject to the jurisdiction of the Commission and by licensees holding licenses issued by the Commission, to the extent and in the manner set forth therein;

(b) This part shall, as to all public utilities now subject to the jurisdiction of the Commission and as to all present licensees, become effective as herein revised on (date to be inserted). As to any public utility or licensee which may hereafter become subject to the jurisdiction of the Commission, this part shall become effective as of the date when such public utility becomes subject to the jurisdiction of the Commission or on the effective date of the license of such licensee.

§ 125.2 General instructions.

(a) *Scope of this part.* (1) The regulations in this part apply to all books of account and other records prepared by or on behalf of the public utility or licensee. See Item 64 of the schedule for those records which come into possession of the public utility or licensee in connection with the acquisition of property, such as purchase, consolidation, merger, etc.

(2) The regulations in this part shall not be construed as excusing compliance with any other lawful requirement for the preservation of records for periods longer than those prescribed herein.

(3) Unless otherwise specified in the schedule, duplicate copies of records may be destroyed at any time: *Provided, however,* That such duplicate copies contain no significant information not shown on the originals.

(4) Records other than those listed in the schedule may be destroyed at the option of the public utility or licensee: *Provided, however,* That records which are used in lieu of those listed shall be preserved for the periods prescribed for the records used for substantially similar purposes. *And, provided further,* That retention of records pertaining to added services, functions, plant, etc., the establishment which cannot be presently foreseen, shall conform to the principles embodied herein.

(5) Notwithstanding the provisions of the Records Retention Schedule, the Commission may, upon the request of the company, authorize a shorter period of retention for any record listed therein upon a showing by the company that preservation of such record for a longer period is not necessary or appropriate in the public interest or for the protection of investors or consumers.

(b) *Designation of supervisory official.* Each public utility or licensee subject to the regulations in this part shall designate one or more persons with official responsibility to supervise the utility's or licensee's program for preservation and the authorized destruction of its records.

(c) *Protection and storage of records.* The public utility or licensee shall pro-

vide reasonable protection for records subject to the regulations in this part from damage by fires, floods, and other hazards and, in the selection of storage spaces, safeguard the records from unnecessary exposure to deterioration from excessive humidity, dryness, or lack or proper ventilation.

(d) *Definition of record media.* (1) For the purpose of these regulations, the data constituting the records listed in the schedule may be retained in any of the media forms in figure 1 below, provided that the media selected has a standard life expectancy equal to or in excess of the specified retention period. However, records supporting plant and licensed project cost shall be retained in their original form, unless microfilmed. (See paragraph (j) of this section, for periods of retention.) In no instance will media regeneration to achieve the full length of period retention be allowed without Commission approval of the request of the company.

(2) If the media form of the record retained is other than a readable paper copy, then reader and/or printer equipment and related printout programs, if required, shall be provided by the utility for data reference.

(3) The media form initially selected for the record becomes the "original" for that particular record. If subsequent conditions (e.g.: improved media life expectancy, increased utility resources, environmental factors) require and the remaining retention period permits a change in the media forms, the utility may convert to another media, provided the certification processes described in instruction (e) of this section are observed and data referencing capability is maintained.

FIGURE 1
RECORD MEDIA

| Record media/form | Media expected life | Comments and standards |
|--------------------------------------|----------------------|---|
| 1. Paper and card stock (hard-copy). | Archival permanency. | For each document, paper stock should be selected with a life expectancy equal to or greater than the retention period specified for that document. |
| 2. Tape: Magnetic.... | 2 years..... | Assumes storage in a controlled environment with a temperature and humidity range of 65°-85° F. and 40-60%, respectively. (Ref. Instruction (g) for specific storage conditions.) |
| Punched.... | Archival permanency. | For each record, tape media (paper, mylar, metallic base) should be selected with a life expectancy equal to or greater than the retention period specified for that record. |
| 3. Micro-forms: a. Micro-film. |do..... | Assumes storage in a controlled environment with a temperature and humidity range of 65°-85° F. and 40-60%, respectively. (Ref. ANSI STD # PH 1.23-1963 and PH 5.4-1970.) |
| b. Metallic recording data strips. | Archival.... | Same storage conditions as for microfilm. |

(e) *Microform and tape certification.* (1) As the initial recording media—

(i) Each microform record series shall contain, at the beginning, a microform introduction stating the title of the record series, the date prepared, the name of the individual responsible for validating the data contained therein. Each microform record series shall be closed with a clear and standard microform notation indicating the completion of the series and the date.

(ii) If after validation, supplemental data and/or corrections (i.e.: Resulting from computer programing) are required, said microform may be produced separately or as a part of the series rerun, but shall be affixed to the original microform certificate as described in subdivision (i) of this subparagraph.

(iii) Each tape record series shall include, as a basic part of the program, at the beginning of that series an introduction stating the record series title, date prepared, the name of the individual responsible for validating the data contained therein and an index where appropriate. Each record series shall be closed with a clear and standard notation indicating the completion of that series and the date.

(2) *Conversion from other media—*

(i) Each microform record series shall include, as an integral part, a certificate(s) stating that the microforms are direct and facsimile reproductions of the original records and that they have been made in accordance with prescribed instructions. Such certificate(s) shall be executed by a person(s) having personal knowledge of the facts covered thereby.

(ii) Each microform record series shall commence and end with a statement as to the nature and arrangement of the records reproduced, and the date. Rolls of film shall not be cut. Supplemental or retaken film whether of misplaced or omitted documents or of portions of microform found to be defective, shall be attached to the beginning of the microform record series and in such an event, the aforementioned certificate shall cover the supplemental or retaken film and shall state the reasons for the subsequent actions.

(iii) If, in accordance with the provisions of paragraph (f) of this section, the utility or licensee elects to convert records to the tape media, the same certification provision specified in subparagraph (1) (iii) of this paragraph must be provided in the conversion program.

(f) *Change of media for existing records.* Those records prepared and maintained under previous regulations in a paper media and whose remaining retention period falls within the life expectancy range of any of the media detailed in figure 1, may be converted to that media at the public utility's and/or licensee's option, provided the applicable certification processes described in paragraph (e) of this section are observed and an audit referencing capability maintained.

(g) *Media.* All records created or maintained in a media and a format other than readable entries on paper shall:

(1) Be prepared, arranged, classified, identified, and indexed as to permit the subsequent location, examination, and reproduction of the record to a readable media;

(2) Be stored in such a manner as to provide reasonable protection from hazards such as fire, flood, theft, etc.; and maintained in a controlled environment;

(3) Be regenerated, including proper certification, when damaged.

(i) The company shall be prepared to furnish, at its own expense, standard facilities for reading media and shall additionally provide, if the Commission so directs, copies of the record in a readable form.

(ii) All film stock shall be of approved operationally permanent-record micro-copying type, which meets the current specifications of the National Bureau of Standards.

(h) *Destruction of records.* The destruction of the records permitted to be destroyed under the provisions of the regulations in this part may be performed in any manner elected by the public utility concerned. Precautions should be taken, however, to macerate or otherwise destroy the legibility of records, the content of which is forbidden by law to be divulged to unauthorized persons.

(i) *Premature destruction or loss of records.* When any records are destroyed before the expiration of the prescribed period of retention, a certified statement listing, as far as may be determined, the records destroyed and describing the circumstances of accidental or other premature destruction shall be filed with the Commission within ninety (90) days from the date of discovery of such destruction. Discovery of loss of records is to be treated in the same manner as in the case of premature destruction.

(j) *Schedule of records retention periods.* The schedule of records annexed hereto shows the period of time that designated records shall be preserved. However, records related to plant shall be retained a minimum of 25 years unless accounting adjustments resulting from reclassification and original cost studies have been approved by the regulatory commission having jurisdiction, and either (1) continuing plant inventory records are maintained, or (2) unitization of construction costs appear in work orders, except that those relating to the construction of licensed projects, or additions or betterments thereto for which the Commission has not determined the actual legitimate original cost are to be retained until such cost has been determined. Additionally, all records which affect the determination of amortization reserves related to licensed projects shall be retained until Commission determination and final adjudication is made.

(k) *Retention periods designated "destroyed at option".* Use of the retention period, "Destroy at Option", in the regulations in this part constitutes authorization for such destruction under the conditions specified for the particular

types of records, only if such optional destruction is appropriate to limited managerial interest in such records and if such optional destruction is not in conflict with other legal retention requirements or usefulness of such records in satisfying pending regulatory actions or directives.

(l) *Records of services performed by associated companies.* The public utility or licensee to which the regulations in this Part apply shall assure the availability of records of services performed by associated companies for the periods indicated herein, as are necessary, to support the cost of services rendered to it by an associated company.

(m) *Index of records.* At each office of the public utility or licensee where records are kept or stored, such records as are herein required to be preserved shall be so arranged, filed and currently indexed that they may be readily identified and made available to representatives of the Commission.

(n) *Schedule of notes.* (1) For the purposes of the regulation, a stockholder's account may be treated as a closed account at the time that such stockholder ceases to be a holder of record of the particular class and series of stock of the company and the 6-year retention period prescribed herein shall run from that date. If such person subsequently acquires shares of capital stock of the company and thus again becomes a stockholder of the company, the record of such acquisition shall be treated as a new stockholder account.

(2) The terms "bonds" and "debentures," as used in paragraphs (a) through (f) of this section, shall include all debt securities, such as bonds, debentures, or notes other than debt securities which evidence temporary borrowings and which are expected to be repaid out of the proceeds of the sale of longer term securities. Typical of such temporary debt securities as described in 4(i) of the table in § 125.3 would be notes issued to banks evidencing temporary working capital and construction loans and gas storage loans.

(3) Canceled bonds and debentures and paid interest coupons pertaining thereto may be destroyed: *Provided*, That a certificate of destruction giving full descriptive reference to the documents destroyed shall be made by the person or persons authorized to perform such destruction and shall be retained by the company for the period herein prescribed. The certificate of destruction evidencing the destruction of paid interest coupons pertaining to bonds or debentures need not contain a listing of the bond or debenture serial numbers pertaining to such paid interest coupons. When documents represent debt secured by mortgage, the certificate of destruction shall also be authorized by a representative of the trustee(s) acting in conjunction with the person or persons destroying the documents or shall have the trustee(s) acceptance thereon. The certificate of destruction above described may be destroyed 6 years after the payment and discharge of the bonds

or debentures or interest coupons described in such certificate.

(4) If a retention period is prescribed elsewhere in the schedule with respect to any document which is included as an exhibit to any filing retained pursuant to the requirements of this item, the company need retain only one copy of such document in its files provided appropriate cross references are established.

(5) Life or mortality study data for depreciation purposes shall be retained for the life of corporation.

§ 125.3 Schedule of records and periods of retention.

TABLE OF CONTENTS

Corporate and General

| Sec. | |
|------|--|
| 1 | Capital stock records. |
| 2 | Proxies and voting lists. |
| 3 | Reports to stockholders. |
| 4 | Debt security records. |
| 5 | Filings with an authorization by regulatory agencies. |
| 6 | Organizational documents: |
| | (a) Minute books. |
| | (b) Titles, franchises, licenses. |
| | (c) Permits. |
| | (d) Organization diagrams and charts. |
| 7 | Contracts and agreements. |
| 8 | Accountants' and auditors' reports. |
| | <i>Automatic Data Processing</i> |
| 9 | Automatic data processing records. |
| | <i>General Accounting Records</i> |
| 10 | General and subsidiary ledgers. |
| 11 | Journals. |
| 12 | Journal vouchers and entries. |
| 13 | Cash books. |
| 14 | Voucher register. |
| 15 | Vouchers. |
| 16 | Accounts receivable. |
| 17 | Records of securities owned. |
| 18 | Payroll records. |
| 19 | Assignments, attachments, and garnishments. |
| | <i>Insurance</i> |
| 20 | Insurance records. |
| 21 | Injuries and damages. |
| | <i>Operations and Maintenance</i> |
| 22.1 | Production—Electric. |
| 22.2 | Production—Nuclear. |
| 23 | Transmission and distribution—Electric. |
| 24 | Customers service. |
| 25 | Records of auxiliary and other operations. |
| 26 | Maintenance work orders and job orders. |
| | <i>Personnel</i> |
| 27 | Personnel records. |
| 28 | Employees benefit and pension records. |
| 29 | Instruction to employees and other. |
| | <i>Plant and Depreciation</i> |
| 30 | Plant ledgers. |
| 31 | Construction work in progress. |
| 32 | Retirement work in progress. |
| 33 | Summary sheets. |
| 34 | Appraisals and valuations. |
| 35 | Maps. |
| 36 | Engineering records. |
| 37 | Contracts and other agreements relating to utility plant. |
| 38 | Reclassification of utility plant account records. |
| 39 | Accumulated depreciation and depletion of utility plant account records. |

SCHEDULE OF RECORDS AND PERIODS OF RETENTION—CONTINUED

| Sec. | Description | Retention period |
|--|--|---|
| 40 | Procurements. | |
| 41 | Material ledgers. | |
| 42 | Materials and supplies received and issued. | |
| 43 | Records of sale of scrap and materials and supplies. | |
| 44 | Inventories of materials and supplies. | |
| 45 | Revenue Accounting and Collecting contracts. | |
| 46 | Customer guarantee deposits. | |
| 47 | Customer guarantee deposits. | |
| 48 | Motor reading sheets and records. | |
| 49 | Maximum demand pressure temperature. | |
| 50 | Miscellaneous billing data. | |
| 51 | Revenue summaries. | |
| 52 | Customers ledgers. | |
| 53 | Merchandise sales. | |
| 54 | Collection reports and records. | |
| 55 | Customers' account adjustments. | |
| 56 | Uncollectible accounts. | |
| 57 | Tax records. | |
| 58 | Statement of funds and deposits. | |
| 59 | Records of deposits with banks and others. | |
| 60 | Records of receipts and disbursements. | |
| 61 | Statistics. | |
| 62 | Budgets and other forecasts. | |
| 63 | Correspondence. | |
| 64 | Records of predecessor and former associates. | |
| 65 | Reports to federal and state regulatory commissions. | |
| 66 | Copies of advertisements. | |
| SCHEDULE OF RECORDS AND PERIODS OF RETENTION | | |
| Sec. | Description | Retention period |
| CORPORATE AND GENERAL | | |
| 1. | Capital stock records: | |
| (a) | Capital stock ledgers or other records showing the same information. | 6 years after the stockholder's account is closed. ¹ |
| (b) | Capital stock subscription accounts, warrants, requests for allotments and other essential papers related thereto. | 2 years after settlement. |
| (c) | Stubs or similar records of capital stock certificate issuance where not used as capital stock ledger record. | 6 years after cancellation of certificate. If this record serves the purpose of a capital stock ledger, 1(a) is applicable. |
| (d) | Stock transfer registers or sheets or similar records. | 6 years after last entry on page or sheet of record. |
| (e) | Papers pertaining to or supporting transfers of capital stock: | |
| (1) | Papers that are recorded officially in a court or in the office of some other public recording authority; and other papers presented by any bank or trust company requesting transfers in its capacity as a fiduciary and miscellaneous papers. | Destroy at option or return to stockholder. |
| (f) | Canceled capital stock certificates where not used as capital stock ledger records. | 6 years after cancellation of certificate. If this record serves the purpose of a capital stock ledger, 1(a) is applicable. |
| (g) | Change of address notices of stockholders. | Destroy at option after changes are recorded. |
| (h) | Bonds of indemnity and affidavits covering issuance of stock certificates to replace lost certificates. | 6 years after expiration of bonds. |
| See footnotes at end of table. | | |
| SCHEDULE OF RECORDS AND PERIODS OF RETENTION—CONTINUED | | |
| Sec. | Description | Retention period |
| (1) | Letters, notices, reports, statements and other communications distributed to all stockholders of a particular class: | |
| (1) | Formal communications addressed to all stockholders of a particular class, including annual reports to stockholders, notices of annual and special meetings of stockholders, and other notices, reports, letters or statements relating to corporate or stockholder actions. | Life of corporation. |
| (2) | Interim reports of operations, speeches or corporate officers, notices of change of corporate address or telephone numbers, etc. | 6 years after the date thereof. |
| (1) | Dividend registers, lists or similar records. | 6 years. |
| (k) | Paid dividend checks. | Do. |
| (l) | Third party dividend orders. | 6 years after recision order. |
| 2. | Proxies and voting lists: | |
| (a) | Proxies of holders of voting securities. | 3 years. |
| (b) | Lists of holders of voting securities represented at meetings. | 1 year. |
| 3. | Reports to stockholders. | |
| (a) | Annual reports or statements to stockholders. | Life of corporation. |
| (b) | Written acknowledgements of receipts of reports to stockholders and written requests for copies of such reports. | Destroy at option. |
| 4. | Debt security records: ² | |
| (a) | Registered bond and debenture ledgers. | 3 years after redemption. |
| (b) | Bond and debenture subscription accounts, warrants, subscription notices, requests for allotment and essential papers related thereto. | 3 years after settlement. |
| (c) | Stubs or similar records of bond and debenture certificates issued. | 3 years after redemption. |
| (d) | Papers pertaining to or supporting transfers of registered bonds and debentures: | |
| (1) | Papers that are recorded officially in a court or in the office of some other public recording authority; and other papers presented by any bank or trust company requesting transfers in its capacity as a fiduciary, plus other miscellaneous papers. | Destroy at option or return to holders of the bonds or debentures. |
| (e) | Records of bonds and debenture interest coupons paid and unpaid. | Destroy at option. ³ |
| (f) | Canceled bonds and debentures and paid interest coupons pertaining thereto. | Do. ³ |
| (g) | Trust indentures, loan agreements or other contracts or agreements securing debt securities issued. (If such papers or documents are included among the records covered by item 5 of the regulation, this instruction will not apply.) | 6 years after redemption. |

PROPOSED RULE MAKING

| Description | Retention period |
|---|---|
| 6. Organizational documents: | |
| (a) Minute books of stockholders', directors', and directors' committee meetings. | Life of corporation. |
| (b) Titles, franchises, and licenses: | |
| (1) Deeds and other title papers (including abstracts of title and supporting data). | 6 years after property is disposed of unless surrendered to transferee. |
| (2) Corporate charters or certificates of incorporation. | Life of corporation. |
| (3) Franchises and certificates authorizing operations as a public utility. | Do. |
| (4) Licenses (including amendments thereof) granted by Federal or State authorities for construction and operation of utility plant. | 25 years after plant is retired or expiration of license, whichever is shorter. |
| (5) Copies of formal orders of regulatory commissions served upon the utility. | Life of corporation. |
| (c) Permits: | |
| (1) Permits and granted applications for the use of facilities of others. | 6 years after expiration or cancellation. |
| (2) Copies of permits and applications granted others for the use of the utility's facilities. | Do. |
| (3) Applications for the use of facilities not granted and copies of such applications. | Destroy at option. |
| (4) Permits of a temporary nature from municipalities or others to perform specific work, such as permits to open streets. | Do. |
| (5) Organization diagrams and charts. | Destroy at option after expiration or supersession. |
| 7. Contracts and agreements (except contracts provided for elsewhere): | |
| (a) Service contracts, such as for management, accounting and financial services. | 6 years after expiration or cancellation. |
| (b) Contracts with other utilities for the purchase, sale or interchange of product. | Do. |
| (c) Leases pertaining to rentals of property to or from others. | Do. |
| (d) Contracts and agreements with individual employees, labor unions, company unions, and other employee organizations relative to wage rates, hours and similar matters. | Do. |
| (e) Contracts, agreements, and/or other essential records necessary to the carrying out of the functions of an employee's stock purchase or other type of employee's saving plan. | Do. |
| (f) Contracts or agreements for the acquisition or disposal of investments (excluding temporary cash investments). | 25 years after disposal. |
| (g) Memoranda essential to clarifying or explaining provisions of contracts listed above. | For the same periods as contracts to which they relate. |
| (h) Card or book records of contracts, leases, and agreements made, showing dates of expirations and of renewals, memoranda of receipts and payments under such contracts, etc. | Do. |

| Description | Retention period |
|--|---|
| (h) Copies of reports, statements, letters or memoranda filed with trustee(s) pursuant to provisions of trust indenture or other security instrument or agreement securing debt securities issued. | 6 years after redemption. (Destroy at option provided that the trustee(s) under such indenture or security instrument is a national bank, a member of the Federal Reserve System or a subsidiary of any such national bank or Federal Reserve System member bank; and provided further that the trustee(s) has certified to the company that copies of all such documents will be available in the offices of the trustee(s) for inspection at any time prior to redemption by holders of debt securities to which such documents relate and for inspection by any Federal or State regulatory authority prior to redemption and for an additional period of 6 years after redemption.) |
| (i) Paid or canceled debt securities evidencing temporary borrowings. | 3 years after payment or cancellation, provided other records of issuance and payment of cancellation are maintained. |
| (j) Paid interest checks. | 6 years. |
| (a) Filings with and authorizations by regulatory agencies: | |
| (a) Authorizations from regulatory bodies for issuance of securities: | |
| (1) Copies of applications to regulatory bodies for authority to issue stocks, bonds, and other securities, including copies of exhibits in support of such applications. | 25 years or until all securities covered are retired, whichever is shorter. ⁴ |
| (2) Official copies of opinions and orders of regulatory bodies granting authority to issue securities. | Until securities covered are retired. |
| (3) Reports filed with regulatory bodies in compliance with authorizations to issue securities. (Reports of sales of securities of application of proceeds, etc.) File copies of such reports and supporting papers. | Do. |
| (b) Copies of registration statements and other data filed with the Securities and Exchange Commission: | |
| (1) In connection with offerings of securities for sale to the public, or the listing of securities on exchanges, including supporting papers. | 25 years or until all securities covered are retired, whichever is shorter. ⁴ |
| (2) Copies of periodic reports and supporting papers filed in compliance with either the Securities Act of 1933 or the Securities Exchange Act of 1934. | 25 years. |

See footnotes at end of table

| Description | Retention period |
|--|---|
| 8. Accountants' and auditors' reports: (a) Reports of examinations and audits by accountants and auditors not in the regular employ of the utility (such as reports of public accounting firms and regulatory commission accountants). (b) Internal audit reports and work papers. | 7 years after date of report or Commission audit, whichever comes last. Do. |
| AUTOMATIC DATA PROCESSING | |
| 9. Automatic data processing records. (Retain original source data used as input for data processing and data processing report printouts for the applicable periods prescribed elsewhere in the schedule): (a) Punched cards, tapes or similar media used as intermediate records or steps in data processing for assembling data to be posted to the records of the company or used in a report or study. (b) Program documentation and revisions thereto. | Destroy at option. Retain for periods prescribed for related output data. Statements and illustrations as to the scope of operations should be sufficiently detailed to indicate (a) the application being performed, (b) the procedures employed in each application (which, for example, might be supported by flow charts, block diagrams or other descriptions of operating procedures), and (c) the controls used to insure accurate and reliable processing. Major program changes, together with their effective dates should be noted in order to preserve an accurate chronological record. |
| GENERAL ACCOUNTING RECORDS | |
| 10. General and subsidiary ledgers: (a) (1) General ledgers. (2) Ledgers subsidiary or auxiliary to general ledgers except ledgers provided for elsewhere. (b) (1) Indexes to general ledgers. (2) Indexes to subsidiary ledgers except ledgers provided for elsewhere. (c) Trial balance sheets of general and subsidiary ledgers. | 50 years. Do. Do. Do. 2 years. 50 years. |
| 11. Journals: General and subsidiary. | Do. |
| 12. Journal vouchers and journal entries including supporting detail: (a) Journal vouchers and journal entries. (b) Analyses, summarizations, distributions, and other computations which support journal vouchers and journal entries: (1) Charging plant accounts. (2) Charging all other accounts. | Do. 6 years. Do. |
| See footnotes at end of table | |

| Description | Retention period |
|---|--|
| (c) Schedules for recurring journal entries. | Destroy when superseded. |
| (d) Lists of standard journal entry numbers. | Do. |
| 13. Cash books: (a) General and subsidiary or auxiliary books. | 10 years after close of fiscal year. See item 12(a). |
| 14. Voucher registers: (a) Voucher registers or similar records when used as a source document. | 6 years. |
| 15. Vouchers: (a) Paid and canceled vouchers (1 copy—analysis sheets showing detailed distribution of charges on individual vouchers and other supporting papers). (b) Original bills and invoices for materials, services, etc., paid by vouchers. (c) Paid checks and receipts for payments by voucher or otherwise. (d) Authorization for the payment of specific vouchers. (e) Lists of unaudited bills (accounts payable), lists of vouchers transmitted and memoranda regarding changes in unaudited bills. (f) Voucher indexes. | Do. Do. Do. Do. Destroy at option. Do. |
| 16. Accounts receivable (see items 53 and 54 for accounts sales): (a) Records of accounts receivable pertaining to sales of utility plant. (b) Record or register of accounts receivable and indexes thereto and summaries of distribution. (c) Accounting department copies of invoices issued and supporting papers which do not accompany the original invoices and authorizations for charges including supporting papers. (d) Periodic statements of unsettled accounts, except trial balances. (e) Schedule of invoices to be issued. | 3 years after settlement. Do. Do. Destroy at option. Do. |
| 17. Records of securities owned: (a) Records of securities owned, in treasury, or with custodians (excluding temporary investments of cash). | 6 years after disposal of the investment. |
| 18. Payroll records: (a) Payroll sheets or registers of payments of salaries and wages. (b) Records showing the distribution of salaries and wages paid and summaries or recapitulation statements of such distribution. (c) Time tickets, time sheets, time books, time cards, workmen's reports and other records showing hours worked, description of work and accounts to be charged: (1) When used as a basis for payment of salaries and wages supporting records described in 18(a). (2) When used solely as basis for supporting records described in 18(b). (d) Paid checks, receipts for wages paid in cash and other evidences of payments for services rendered by employees. | 6 years. 6 years. See item 12(b). 6 years. Destroy at option. 3 years. |

SCHEDULE OF RECORDS AND PERIODS OF RETENTION—CONTINUED

| Description | Retention period |
|--|--|
| (f) Generating high-tension and low-tension load records. | 3 years. |
| (g) Oil and waste reports. | Do. |
| (h) Load curves, temperature logs, coal, and water logs. | Do. |
| (i) Gage-reading reports. | 2 years, except riverflow data collected in connection with hydro-operation shall be retained for life of corporation. |
| (j) Recording instrument charts. | 1 year, except where the basic chart information is transferred to another record, the charts need only be retained 6 months provided the record containing the basic data is retained 1 year. |
| (k) Load dispatcher's and station permits. | Do. |
| 22.2 Production—nuclear: | |
| (a) Records of normal plant operation, including power levels and periods of operation at each power level. | 6 years/operating charts for the first year's operation will be stored for the life of the corporation. |
| (b) Records of principal maintenance activities, including inspection, repair, substitution or replacement of principal items of equipment pertaining to nuclear safety. | Do. |
| (c) Records of abnormal occurrences. | Do. |
| (d) Records of periodic checks, inspections and calibrations performed to verify that surveillance requirements are being met. | Do. |
| (e) Records and prints of changes made to the plant as described in the Final Safety Analysis Report. | Life of corporation. |
| (f) Records of new and spent fuel inventory and assembly histories. | Do. |
| (g) Records of monthly plant radiation and continuation surveys. | Do. |
| (h) Records of off-site environmental monitoring surveys. | Do. |
| (i) Records of radiation exposure of all plant personnel, including all contractors and visitors to the plant who enter radiation control areas. | Do. |
| (j) Records of radioactivity in liquid and gaseous wastes released to the environment. | Do. |
| (k) Records of any special reactor tests or experiments. | Do. |
| (l) Records of changes made in the operating procedures. | Do. |
| 23. Transmission and distribution—electric: | |
| (a) Substation and transmission line logs. | 3 years. |
| (b) System operator's daily logs and reports of operation. | Do. |
| (c) Storage battery and other equipment logs and records. | Do. |
| (d) Interruption logs and reports. | 6 years. |
| (e) Records of substation general inspections and operation tests. | 3 years. |
| (f) Apparatus failure reports. | 6 years. |

SCHEDULE OF RECORDS AND PERIODS OF RETENTION—CONTINUED

| Description | Retention period |
|--|--|
| (e) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in payrolls, and similar records. | 3 years. |
| (f) Applications for payroll changes not authorized. | Destroy at option. |
| (g) Payroll authorizations and records of authorized positions. | 3 years. |
| (h) Records of deductions from payrolls. | Destroy at option. |
| (i) Comparative or analytical statements of payrolls. | Do. |
| (j) Employee's individual earnings record. | 6 years after termination of employment. |
| 19. Assignments, attachments, and garnishments: | |
| (a) Record of assignments, attachments, and garnishments of employees' salaries, including files of notices, etc., pertaining thereto. | Destroy at option. |
| (b) Minors' salary releases. | Do. |
| 20. Insurance records: | |
| (a) Records of insurance policies in force, showing coverage, premiums paid, and expiration dates. | Destroy at option after expiration of such policies. |
| (b) Insurance policies. | Do. |
| (c) Records of amounts recovered from insurance companies in connection with losses and of claims against insurance companies, including reports of losses and supporting papers. | 6 years. |
| (d) Inspector's reports and records of condition of property. | Destroy when superseded. |
| (e) Insurance maps of property and structures erected thereon. | Do. |
| (f) Records and statements relating to insurance requirements. | Destroy at option. |
| 21. Injuries and damages: | |
| (a) Claim registers, card or book indexes and similar records in connection with claims presented against the company in connection with accidents resulting in damage to the property of others or personal injuries. | 2 years after settlement. |
| (b) Papers, reports, statements of witnesses, etc., necessary to the support or rejection of individual claims against the company. | Do. |
| (c) Other papers, reports, or statements, pertaining to accidents, resulting in property damages or personal injuries, not necessary to the support or rejection of claims. | Destroy at option. |
| (d) Detailed schedules or spread sheets of payments to others for personal injuries or for property damages. | 2 years after settlement. |
| OPERATIONS AND MAINTENANCE | |
| 22.1 Production—Electric: | |
| (a) Boiler room, condenser room, turbine room, and pump room logs, including supporting data. | 3 years. |
| (b) Boiler room and turbine room reports of equipment in service and performance. | Do. |
| (c) Boiler-tube failure report. | Do. |
| (d) Generation and output logs with supporting data. | 6 years. |
| (e) Station and system generation reports. | 25 years. |

See footnotes at end of table.

| Description | Retention period |
|---|---|
| (g) Line-trouble reports and records----- | 3 years. |
| (h) Lightning and storm data----- | 6 years. |
| (i) Insulator test records----- | 3 years. |
| (j) Reports on inspections and repairs of all street openings. | 6 years. |
| (k) Records of meter tests----- | Until superseding test but not less than 2 years, or as may be necessary to comply with service rules regarding re- funds on fast meters. |
| (l) Meter shop reports (monthly reports summarizing tests, repair, etc.) | 3 years. |
| (m) Meter history records----- | For life of meter. |
| (n) Transformer history records----- | For life of transformer. |
| (o) Records of transformer inspections, oil tests, etc. | Destroy at option. |
| (p) Pole, tower, structure, equipment, and other his- tory records. | For life of equipment. |
| 24. Customers' service: | |
| (a) Reports of inspections, of customers' premises----- | 2 years. |
| (b) Records and report of customers' service com- plaints. | Do. |
| (c) Survey of customers' premises to determine type of service and equipment to be installed. | Destroy at option. |
| (d) Records of installed customers' appliances----- | Do. |
| 25. Records of auxiliary and other operations: | |
| Records of operations other than utility operations----- | Retain for same periods as pro- scribed in these regulations for similar records pertaining to utility operations. |
| 26. Maintenance work orders and job orders: | |
| (a) Authorizations for expenditures for maintenance work to be covered by work orders, including memo- randa showing the estimates of costs to be incurred. | 6 years. |
| (b) Work order sheets to which are posted in detail the entries for labor, material, and other charges in connection with maintenance, and other work per- taining to utility operations. | Do. |
| (c) Summaries of expenditures on maintenance and job orders and clearances to operating and other accounts (exclusive of plant accounts). | Do. |
| 27. Personnel records: | |
| (a) Employees' service records, length of service, and other pertinent data. | 3 years after termination of em- ployment. |
| (b) Applications for employment, requests for medical examination, medical examiner's report, photographs and other identification records, and other miscel- laneous records pertaining to the hiring of employees. | Destroy at option. |
| 28. Employees' benefit and pension records: | |
| (a) Detailed records showing computations of accruals for pension liabilities. | 6 years after supersession of the study or report or termination of plan. |
| (b) Pension or annuity payrolls----- | 6 years. |
| (c) Pension paychecks----- | 3 years. |
| (d) Records pertaining to employees' benefit programs. | Destroy at option. |
| See footnotes at end of table. | |

| Description | Retention period |
|---|--|
| 29. Instructions to employees and others: | |
| (a) Bulletins or memoranda of general instructions issued by the company to employees pertaining to changes in accounting, engineering, operating, main- tenance, and construction policies. | 10 years after expiration or su- persession. |
| (b) Bulletins or memoranda of general instructions issued by the company to employees pertaining to accounting, engineering, operating, maintenance, and construction methods and procedures. | Destroy at option after expira- tion or supersession. |
| (c) Notices to employees on matters of discipline, de- portment, and other similar subjects. | Destroy at option. |
| PLANT AND DEPRECIATION | |
| 30. Plant ledgers: | |
| (a) Ledgers of utility plant accounts including land and other detailed ledgers showing the cost of utility plant by classes. | 50 years. |
| (b) Continuing plant inventory ledger, book or card records showing description, location, quantities, cost, etc., of physical units (or items) of utility plant owned. | 6 years after plant is retired, provided mortality data are retained. |
| 31. Construction work in progress ledgers, work orders, and supplemental records: | |
| (a) Construction work in progress ledgers----- | 10 years after clearance to the plant account, provided con- tinuing plant inventory rec- ords are maintained; other- wise 6 years after plant is retired. |
| (b) Work order sheets to which are posted in summary form or in detail the entries for labor, materials, and other charges for utility plant additions and the en- tries closing the work orders to utility plant in service at completion. | Do. |
| (c) Authorizations for expenditures for additions to utility plant, including memoranda showing the de- tailed estimates of cost and the bases therefor (in- cluding original and revised or subsequent authori- zations). | 10 years. |
| (d) Regulations and registers of authorizations for utility plant expenditures. | Do. |
| (e) Completion or performance reports showing com- parison between authorized estimates and actual ex- penditures for utility plant additions. | Do. |
| (f) Analysis or cost reports showing quantities of ma- terials used, unit costs, number of man-hours, etc., in connection with completed construction project. | 10 years after clearance to the plant account, provided con- tinuing property plant inven- tory records are maintained; otherwise 6 years after plant is retired. |
| (g) Records and reports pertaining to progress of con- struction work, the order in which jobs are to be completed, and similar records which do not form a basis of entries to the accounts. | Destroy at option. |

PROPOSED RULE MAKING

| Description | Retention period |
|--|---|
| 32. Retirement work in progress ledgers, work orders, and supplemental records: | |
| (a) Work order sheets to which are posted the entries for removal costs, materials recovered, and credits to utility plant accounts for cost of plant retired. | 10 years after plant is retired, provided mortality data are retained. ^c |
| (b) Authorizations for retirement of utility plant, including memoranda showing the basis for determination of cost of plant to be retired and estimates of salvage and removal costs. | 10 years after clearance to the plant account, provided continuing plant inventory records are maintained; otherwise 6 years after plant is retired. ^c |
| (c) Registers of retirement work orders. | 10 years. |
| 33. Summary sheets, distribution sheets, reports, statements, and papers directly supporting debits and credits to utility plant accounts not covered by construction or retirement work orders and their supporting records. | 10 years after clearance to the plant account, provided continuing plant inventory records are maintained; otherwise 6 years after plant is retired. |
| 34. Appraisals and valuations: | |
| Appraisals and valuations made by the company of its properties or investments or of the properties or investments of any associated companies. (Includes all records essential thereto.) | 3 years after disposition, termination of lease, or writeoff of property or investment. |
| 35. Maps and map reproductions: | |
| (a) Geological maps and aerial photographs of field showing the location and physical characteristics of production, transmission, and distribution systems of the utility. | Until map is superseded or 6 years after plant is retired, provided mortality data are retained. |
| 36. Engineering records in connection with construction projects: | |
| (a) Maps, diagrams, profiles, plans, photographs, records of engineering studies and similar records in connection with proposed construction projects: | |
| (1) If construction of project results wholly or in part. | Until record is superseded or 6 years after plant is retired. |
| (2) If construction of project does not result. | Destroy at option after completely accounting for expenses incurred. |
| 37. Contracts and other agreements relating to utility records: | |
| (a) Contracts relating to acquisition or sale of plant. | 6 years after plant is retired. |
| (b) Contracts and other agreements relating to services performed in connection with construction of utility plant (including contracts for the construction of plant by others for the utility and for supervision and engineering relating to construction work). | Do. |
| 38. Records pertaining to reclassifications of utility plant accounts to conform to prescribed systems of accounts, including supporting papers showing the bases for such reclassifications. | 6 years (see item 12(b)(1)). |
| See footnotes at end of table. | |
| 39. Records of accumulated provisions for depreciation and depletion of utility plant: | |
| (a) Detailed records or analysis sheets segregating the accumulated depreciation according to functional classification of plant. | 25 years. |
| (b) Records supporting computation of depreciation and depletion expense of utility plant, including such data as life and salvage studies. | Do. |
| PURCHASES AND STORES | |
| 40. Procurements: | |
| (a) Agreements entered into for the acquisition of goods or the performance of services. Includes all forms of agreements not specifically set forth in item 7 such as, but not limited to: Letters of intent, exchange of correspondence, master agreements, term contracts, rental agreements and the various types of purchase orders: | |
| (1) For goods or services relating to plant construction. | 6 years. |
| (2) For other goods or services. | Do. |
| (b) Supporting documents including bids or proposals evidencing all relevant elements of the procurement. | 6 years (see item 12(b)). |
| (c) All other procurement records such as requisitions, advices from suppliers, registers or similar records of invoices. | Destroy at option after company's accounts have been examined by independent accountants. |
| 41. Material ledgers: | |
| (a) Ledger sheets and card records of materials and supplies received, issued, and on hand. | 6 years (see item 12(b)). |
| (b) Statements of materials and supplies on hand, per ledgers. | Destroy at option after completion of annual audit by independent accountants. |
| 42. Materials and supplies received and issued: | |
| (a) Records and reports pertaining to receipt of materials and supplies. | Do. |
| (b) Records of inspecting and testing materials and supplies. | Destroy at option. |
| (c) Records showing the detailed distribution of materials and supplies issued during accounting periods, to stock: | 6 years (see item 12(b)). |
| (d) Records of material issued, transferred or returned to stock: | |
| (1) Showing quantities, unit prices, and accounts to be charged. | 6 years. |
| (2) Showing only quantities and accounts to be charged. | Destroy at option if the basic information contained thereon is transferred to other records. |
| (e) Minor records and reports pertaining to materials and supplies not involving costs or final disposition, such as reports of unfilled requisitions, authorizations for additions to stock, and similar records; also, storeroom copies of purchase orders and price records, other copies being retained in files of purchasing department. | Destroy at option. |

| Description | Retention period |
|---|---|
| 43. Records of sales of scrap and materials and supplies: (a) Authorizations for sale of scrap and materials and supplies. (b) Contracts for sale of scrap and materials and supplies. (c) Memoranda pertaining to sale of scrap and materials and supplies. | 3 years. Do. Destroy at option. |
| 44. Inventories of materials and supplies: (a) General inventories of materials and supplies on hand with records of adjustments of accounts required to bring stores records into agreement with physical inventories. (b) Stock cards, inventory cards, and other detailed records pertaining to the taking of inventories if abstracted into records covered by (a). (c) Minor inventories of materials and supplies on hand if not reflected in adjustments of accounts. | Destroy at option after completion of annual audit by independent accountants. Destroy at option. Do. Do. |
| REVENUE ACCOUNTING AND COLLECTING | |
| 45. Customers' service applications and contracts: (a) Applications for utility service for which contracts have been executed. (b) Applications for utility service used in lieu of contracts. (c) Contracts and card files or other records thereof with customers for utility service. (d) Applications for utility service which were withdrawn by applicant or not granted by the utility. (e) Contracts or sales agreements with customers and others for sale of merchandise and appliances. (f) Contracts for lease of equipment to customers, including receipts for same. (g) Applications and contracts for extensions covered by refundable deposits or guarantees of revenue, also records pertaining to such contracts. (h) Applications and contracts for extensions for which donations or contributions are made by customers or others. | Do. 1 year. 1 year after expiration or cancellation. 1 year. 1 year after sales agreement is discharged. 1 year after expiration of contract or return of equipment. 1 year after entire amount is refunded. 50 years. |
| 46. Rate schedules: (a) General files of published rate sheets and schedules of utility service. (Including schedules suspended or superseded.) (b) Divisional or local office copies of rate sheets and schedules of utility service. | Do. 1 year after expiration or cancellation. |
| 47. Customers' guarantee deposits: (a) Customers' deposit ledgers or card records. (b) Customers' deposit certificate books. (c) Receipts for customers' deposits refunded. (d) Receipts for interest on customers' deposits. | 6 years after refund. Do. Do. Do. |
| 48. Meter reading sheets and records: (a) Superseded meter reading sheets. | 2 years or as may be necessary to comply with service rules regarding refunds on fast meters. |

See footnotes at end of table.

| Description | Retention period |
|---|---|
| (b) Meter reread sheets (special readings to check high or low consumption). (c) Customers' reading cards. (d) Connection and disconnection orders. (e) Superseded indexes to meter books. (f) Mark sensed meter reading cards. | 1 year. Do. Do. Destroy at option. Destroy at option after transferring data to other record. 1 year, except where the basic chart information is transferred to another record the charts need only be retained 6 months, provided the record containing the basic data is retained 1 year. |
| 49. Maximum demand, pressure, temperature, and specific gravity charts and demand meter record cards. | Destroy at option. |
| 50. Miscellaneous billing data: (a) Billing department's copies of contracts with customers (in addition to contracts in general files). (b) Service and inspection orders from which customers are charged and sundry charge advices. (c) Authorizations for charges under utility service contracts. (d) Standard billing sheets or schedules (showing computed bills of varying consumption according to rates). | Destroy at option. 1 year. 1 year after expiration of contract. Destroy at option. |
| 51. Revenue summaries: (a) Summaries of monthly operating revenues according to classes of service for entire utility. (b) Summaries of monthly operating revenues according to classes of service by towns, districts, or divisions, (including summaries of forfeited discounts and penalties.) | 6 years. Do. |
| 52. Customers' ledgers and other records used in lieu thereof: (a) Customers' ledgers. (b) Records used in lieu of customers' ledgers, such as bill summaries, registers, bill stubs, etc. (c) Copies of large bills: (1) If details are transcribed to ledgers covered by item (a) above. (2) If details are not transcribed to ledgers. (d) Trial balances of ledgers referred to above. (e) Indexes to customers' accounts. (f) Change of address notices. (g) Cards and other records relating to forfeited discounts. | 2 years or as may be necessary to comply with service rules regarding refunds on fast meters. Do. Destroy at option. 2 years. 1 year. 2 years. Destroy at option. 2 years. |
| 53. Merchandise sales—accounting and collecting: (a) Merchandise sales tickets (duplicates) and charge slips for work done. (b) Merchandise registers and summaries of sales. (c) Merchandise ledgers and installment records. | Destroy at option after annual audit and 6 months after no count is settled. 3 years. 1 year after completion of payments. |

SCHEDULE OF RECORDS AND PERIODS OF RETENTION—CONTINUED

Description

Retention period

- (d) Merchandise sales returns and adjustment tickets... Destroy at option after annual audit and 6 months after account is settled.
- (e) Cashiers' stubs for merchandise collections... 6 months.
- (f) Cashiers' periodic reports and statements of collections on merchandise accounts... 1 year.
- (g) Records of monthly statements to customers... Destroy at option.
- (h) Reports relating to status of merchandise accounts receivable... 1 year.
- (i) Job orders and supporting details of charges to customers for work done... 3 years.
- (j) Indexes and trial balances of merchandise ledgers... 1 year.
54. Collection reports and records: Destroy at option.
- (a) Periodic reports, lists, and summaries of collections of operating revenues by collectors, agents, and local or divisional or district offices. (See Item 60(d).)
- (b) Bill stubs, copies of bills, collection slips, and other records pertaining to collections, summarized or detailed in daily or periodic cash reports. 6 months.
- (c) Memorandum records of remittances from local or branch offices. Do.

Note: See item 59 pertaining to deposits of cash with banks. Item 59 applies to all bank accounts whether at general, local, or divisional offices.

55. Customers' account adjustments:

- (a) Detailed records pertaining to adjustments of customers' accounts for overcharges, undercharges, and other errors, results of which have been transcribed to other records. 1 year.
- (b) Detailed records of high-bill complaints whether or not resulting in adjustments to customers' accounts. Do.
56. Uncollectible accounts and customers' credit records: Destroy at option.
- (a) Records of ratings, credit classifications, and investigations of customers.
- (b) Ledger accounts and supporting details of customers' accounts considered to be uncollectible. For period legally collectible.
- (c) Reports and statements showing age and status of customers' accounts. 1 year.
- (d) Data on unpaid final bills. Do.
- (e) Authorizations for writing off customers' accounts. 3 years.

TAX

57. Tax records:

- (a) Copies of returns and schedules filed with taxing authorities, supporting work papers, records of appeals, tax bills and receipts for payment. (See item 15(b) for vouchers evidencing disbursements.)
- (1) Federal income tax returns... 7 years after settlement.
- (2) State income and property tax returns... 2 years after settlement.
- (3) Sales and use taxes... 2 years after settlement.
- (4) Other taxes... 2 years after settlement.
- (5) Agreements between associate companies as to allocation of consolidated income taxes. Do.
- (6) Schedule of allocation of consolidated Federal income taxes among associate companies.
- (b) Summaries of taxes paid... Destroy at option.

See footnotes at end of table.

SCHEDULE OF RECORDS AND PERIODS OF RETENTION—CONTINUED

Description

Retention period

- (c) Filings with taxing authorities to qualify employee benefit plans. 7 years after settlement of Federal return or discontinuance of plan, whichever is later.
- (d) Information returns and reports to taxing authorities. 3 years, or for the period of any extensions granted for audit.
58. Statements of funds and deposits: Destroy at option.
- (a) Summaries and periodic statements of cash balances on hand and with depositories. Do.
- (b) Statement of managers' and agents' cash balances on hand and with depositories. Do.
- (c) Authorizations for and statements of transfer of funds from one depository to another.
- (d) Requisitions and receipts for funds furnished managers, agents, and others. Destroy at option after funds have been returned or accounted for.
- (e) Records of fidelity bonds of employees and others responsible for funds of the utility. Destroy at option after liability of bonding company has expired.
- (f) Reports and estimates of funds required for general and special purposes. Destroy at option.
59. Records of deposits with banks and others: Destroy at option after completion of annual audit by independent accountants.
- (a) Copies of bank deposit slips. Do.
- (b) Advice of deposits made when information thereon is shown on other records which are retained. Do.
- (c) Statements from depositories showing the details of funds received, disbursed, transferred, and balances on deposit. Do.
- (d) Bank reconciliation papers. Do.
- (e) Statements from banks of interest credits. Do.
- (f) Check stubs, registers, or other records of checks issued. 6 years.
- (g) Correspondence and memoranda relating to the stopping of payment of bank checks and to the issuance of duplicate checks. 6 years or destroy at option after check is recovered.
60. Records of receipts and disbursements: Destroy at option after completion of annual audit by independent accountants.
- (a) Daily or other periodic statements of receipts or disbursements of funds. Do.
- (b) Records or periodic statements of outstanding vouchers, checks, drafts, etc. issued and not presented. Do.
- (c) Reports of associates showing working fund transactions and summaries thereof. Do.
- (d) Reports of revenue collections by field cashiers, pay stations, etc. Do.

MISCELLANEOUS

61. Statistics and miscellaneous:

- (a) Annual financial, operating and statistical reports regularly prepared in the course of business for internal administrative or operating purposes (and not used as the basis for entries to accounts of the companies concerned) to show the results of operations and the financial condition of the utility. 10 years after date of report.

SCHEDULE OF RECORDS AND PERIODS OF RETENTION—CONTINUED

See footnotes at end of table.

FEDERAL REGISTER, VOL. 36, NO. 200—FRIDAY, OCTOBER 15, 1971

B. It is proposed to revise Part 225, Chapter I, Title 18 of the Code of Federal Regulations so that it will read as follows:

PART 225—PRESERVATION OF RECORDS OF NATURAL GAS COMPANIES

Sec. 1 Promulgation.

225.1 General instructions.

225.2 Schedule of records and periods of retention.

AUTHORITY: The provisions of this Part 225 issued under secs. 8, 10, 16, 52 Stat. 825, 826, 830; 16 U.S.C. 717g, 717i, 717o.

See footnotes at end of table.

part shall become effective as of the date when such natural gas company becomes subject to the jurisdiction of the Commission.

§ 225.2 General instructions.

(a) *Scope of this part.* (1) The regulations in this part apply to all books of account and other records prepared by or on behalf of the natural gas company. See item 64 of the schedule for those records which come into possession of the natural gas company in connection with the acquisition of property, such as purchase, consolidation, merger, etc.

(2) The regulations in this part shall not be construed as excusing compliance with any other lawful requirement for the preservation of records for periods longer than those prescribed herein.

(3) Unless otherwise specified in the schedule, duplicate copies of records may be destroyed at any time: *Provided, however*, That such duplicate copies contain no significant information not shown on the originals.

(4) Records other than those listed in the schedule may be destroyed at the option of the natural gas company: *Provided, however*, That records which are used in lieu of those listed shall be preserved for the periods prescribed for the records used for substantially similar purposes. *And, provided further*, That retention of records pertaining to added services, functions, plant, etc., the establishment which cannot be presently foreseen, shall conform to the principles embodied herein.

(5) Notwithstanding the provisions of the Records Retention Schedule, the Commission may, upon the request of the company, authorize a shorter period of retention for any record listed therein upon a showing by the company that preservation of such record for a longer period is not necessary or appropriate in the public interest or for the protection of investors or consumers.

(b) *Designation of supervisory official.* Each natural gas company subject to the regulations in this part shall designate one or more persons with official responsibility to supervise the natural gas company's program for preservation and the authorized destruction of its records.

(c) *Protection and storage of records.* The natural gas company shall provide reasonable protection for records subject to the regulations in this part from damage by fires, floods, and other hazards and, in the selection of storage spaces, safeguard the records from unnecessary exposure to deterioration from excessive humidity, dryness, or lack of proper ventilation.

(d) *Definition of record media.* (1) For the purpose of these regulations, the data constituting the records listed in the schedule may be retained in any of the media forms in figure 1 below: *Provided*, That the media selected has a standard life expectancy equal to or in excess of the specified retention period. However, records supporting plant cost shall be retained in their original form unless microfilmed. (See paragraph (j) of this section for periods of retention.) In no

instance will media regeneration to achieve the full length of period retention be allowed without Commission approval of the request of the company.

(2) If the media form of the record retained is other than a readable paper copy, then reader and/or printer equipment and related printout programs, if required, shall be provided by the utility for data reference.

(3) The media form initially selected for the record becomes the "original" for that particular record. If subsequent conditions (e.g.: Improved media life expectancy, increased company resources, environmental factors) require and the remaining retention period permits a change in the media forms the company may convert to another media, provided the certification processes described in paragraph (e) of this section are observed and data referencing capability is maintained.

FIGURE 1
RECORD MEDIA

| Record media/Form | Media expected life | Comments and standards |
|--------------------------------------|----------------------|---|
| 1. Paper and card stock (hard-copy). | Archival permanency. | For each document, paper stock should be selected with a life expectancy equal to or greater than the retention period specified for that document. |
| 2. Tape: Magnetic.... | 2 years..... | Assumes storage in a controlled environment with a temperature and humidity range of 60°-80° F. and 40-60 percent respectively. (Ref. Instruction (g) for specific storage conditions.) |
| Punched.... | Archival permanency. | For each record, tape media (paper, mylar, metallic base) should be selected with a life expectancy equal to or greater than the retention period specified for that record. |
| 3. Micro-forms: a. Micro-film. | ---do----- | Assumes storage in a controlled environment with a temperature and humidity range of 60°-80° F. and 40-60 percent respectively. (Ref. ANSI STD # PH 1.23-1969 and PH 5.4-1970.) |
| b. Metallic recording data strips. | ---do----- | Same storage conditions as for microfilm. |

(e) Microform and tape certification.

(1) As the initial recording media—

(i) Each microform record shall contain, at the beginning, a microform introduction stating the title of the record series, the date prepared, the name of the individual responsible for validating the data contained therein. Each microform record series shall be closed with a clear and standard microform notation indicating the completion of the series and the date.

(ii) If after validation, supplemental data and/or corrections (i.e.: Resulting from computer programing) are required, said microform may be produced separately or as a part of the series re-run, but shall be affixed to the original microform certificate as described in subdivision (i) of this subparagraph.

(iii) Each tape record series shall include, as a basic part of the program, at the beginning of that series an introduction stating the record series title, date prepared, the name of the individual responsible for validating the data contained therein and an index where appropriate. Each record series shall be closed with a clear and standard notation indicating the completion of that series and the date.

(2) Conversion from other media—

(i) Each microform record series shall include, as an integral part, a certificate(s) stating that the microforms are direct and facsimile reproductions of the original records and that they have been made in accordance with prescribed instructions. Such certificate(s) shall be executed by a person(s) having personal knowledge of the facts covered thereby.

(ii) Each microform record series shall commence and end with a statement as to the nature and arrangement of the records reproduced, and the date. Rolls of film shall not be cut. Supplemental or retaken film, whether of misplaced or omitted documents or of portions of microform found to be defective, shall be attached to the beginning of the microform record series and in such an event, the aforementioned certificate shall cover the supplemental or retaken film and shall state the reasons for the subsequent action.

(iii) If, in accordance with the provisions of paragraph (f) of this section, the natural gas company elects to convert records to the tape media, the same certification provision specified in subparagraph (1) (iii) of this paragraph must be provided in the conversion program.

(f) *Change of media for existing records.* Those records prepared and maintained under previous regulations in a paper media and whose remaining retention period falls within the life expectancy range of any of the media detailed in figure 1, may be converted to that media at the natural gas company's option, provided the applicable certification processes described in instruction (e) above are observed and an audit referencing capability maintained.

(g) *Media.* All records created or maintained in a media and a format other than readable entries on paper shall:

(1) Be prepared, arranged, classified, identified and indexed as to permit the subsequent location, examination and reproduction of the record to a readable media;

(2) Be stored in such a manner as to provide reasonable protection from hazards such as fire, flood, theft, etc.; and maintained in a controlled environment.

(3) Be regenerated, including proper certification, when damaged. The company shall be prepared to furnish, at its own expense, standard facilities for reading media and shall additionally provide, if the Commission so directs, copies of the record in a readable form.

All film stock shall be of approved operationally permanent-record micro-copying type, which meets the current

specifications of the National Bureau of Standards.

(h) *Destruction of records.* The destruction of the records permitted to be destroyed under the provisions of the regulations in this part may be performed in any manner elected by the natural gas company concerned. Precautions should be taken, however, to macerate or otherwise destroy the legibility of records, the content of which is forbidden by law to be divulged to unauthorized persons.

(i) *Premature destruction or loss of records.* When any records are destroyed before the expiration of the prescribed period of retention, a certified statement listing, as far as may be determined, the records destroyed and describing the circumstances of accidental or other premature destruction shall be filed with the Commission within ninety (90) days from the date of discovery of such destruction. Discovery of loss of records is to be treated in the same manner as in the case of premature destruction.

(j) *Schedule of records retention periods.* The schedule of records annexed hereto shows the period of time that designated records shall be preserved. However, records related to plant shall be retained a minimum of 25 years unless accounting adjustments resulting from reclassification and original cost studies have been approved by the regulatory commission having jurisdiction, and either (1) continuing plant inventory records are maintained, or (2) unitization of construction costs appear in work orders.

(k) *Retention periods designated "Destroy at Option."* Use of the retention period, "Destroy at Option," in the regulations in this part constitutes authorization for such destruction under the conditions specified for the particular types of records, only if such optional destruction is appropriate to limited managerial interest in such records and if such optional destruction is not in conflict with other legal retention requirements or usefulness of such records in satisfying pending regulatory actions or directives.

(l) *Records of services performed by associated companies.* The natural gas company to which the regulations in this part apply shall assure the availability of records of services performed by associated companies for the periods indicated herein, as are necessary, to support the cost of services rendered to it by an associated company.

(m) *Index of records.* At each office of the natural gas company where records are kept or stored, such records as are herein required to be preserved shall be so arranged, filed and currently indexed that they may be readily identified and made available to representatives of the Commission.

(n) *Schedule of notes.* (1) For the purposes of the regulation, a stockholder's account may be treated as a closed account at the time that such stockholder ceases to be a holder of record of the particular class and series of stock of the company and the 6-year retention

period prescribed herein shall run from that date. If such person subsequently acquires shares of capital stock of the company and thus again becomes a stockholder of the company, the record of such acquisition shall be treated as a new stockholder account.

(2) The terms "bonds" and "debentures," as used in paragraphs (a) through (f) of this section, shall include all debt securities, such as bonds, debentures or notes other than debt securities which evidence temporary borrowings and which are expected to be repaid out of the proceeds of the sale of longer term securities. Typical of such temporary debt securities as described in 4(i) of § 225.3 would be notes issued to banks evidencing temporary working capital and construction loans and gas storage loans.

(3) Canceled bonds and debentures and paid interest coupons pertaining thereto may be destroyed, provided that a certificate of destruction giving full descriptive reference to the documents destroyed shall be made by the person or persons authorized to perform such destruction and shall be retained by the company for the period herein prescribed. The certificate of destruction evidencing the destruction of paid interest coupons pertaining to bonds or debentures need not contain a listing of the bond or debenture serial numbers pertaining to such paid interest coupons. When documents represent debt secured by mortgage, the certificate of destruction shall also be authorized by a representative of the trustee(s) acting in conjunction with the person or persons destroying the documents or shall have the trustee(s) acceptance thereon. The certificate of destruction above described may be destroyed 6 years after the payment and discharge of the bonds or debentures or interest coupons described in such certificate.

(4) If a retention period is prescribed elsewhere in the schedule with respect to any document which is included as an exhibit to any filing retained pursuant to the requirements of this item, the company need retain only one copy of such document in its files provided appropriate cross references are established.

(5) Life or mortality study data for depreciation purposes shall be retained for the life of corporation.

§ 225.3 Schedule of records and periods of retention.

TABLE OF CONTENTS Corporate and General

| Sec. | |
|------|--|
| 1 | Capital stock records. |
| 2 | Proxies and voting lists. |
| 3 | Reports to stockholders. |
| 4 | Debt security records. |
| 5 | Filings with and authorization by regulatory agencies. |
| 6 | Organizational documents: |
| | (a) Minute books. |
| | (b) Titles, franchises, licenses. |
| | (c) Permits. |
| | (d) Organization diagrams and charts. |
| 7 | Contracts and agreements. |
| 8 | Accountants' and auditors' reports. |

Automatic Data Processing

| Sec. | |
|------|--|
| 9 | Automatic data processing records. |
| | <i>General Accounting Records</i> |
| 10 | General and subsidiary ledgers. |
| 11 | Journals. |
| 12 | Journal vouchers and entries. |
| 13 | Cash books. |
| 14 | Voucher register. |
| 15 | Vouchers. |
| 16 | Accounts receivable. |
| 17 | Records of securities owned. |
| 18 | Payroll records. |
| 19 | Assignments, attachments and garnishments. |

Insurance

| | |
|----|-----------------------|
| 20 | Insurance records. |
| 21 | Injuries and damages. |

Operations and Maintenance

| | |
|----|--|
| 22 | Production—Gas. |
| 23 | Transmission and distribution—Gas. |
| 24 | Customers service. |
| 25 | Records of auxiliary and other operations. |
| 26 | Maintenance work orders and job orders. |

Personnel

| | |
|----|--|
| 27 | Personnel records. |
| 28 | Employees benefit and pension records. |
| 29 | Instruction to employees and others. |

Plant and Depreciation

| | |
|----|--|
| 30 | Plant ledgers. |
| 31 | Construction work in progress. |
| 32 | Retirement work in progress. |
| 33 | Summary sheets. |
| 34 | Appraisals and valuations. |
| 35 | Maps. |
| 36 | Engineering records. |
| 37 | Contracts and other agreements relating to utility plant. |
| 38 | Reclassification of utility plant account records. |
| 39 | Accumulated depreciation and depletion of utility plant account records. |

Purchases and Stores

| | |
|----|--|
| 40 | Procurements. |
| 41 | Material ledgers. |
| 42 | Materials and supplies received and issued. |
| 43 | Records of sale of scrap and materials and supplies. |
| 44 | Inventories of materials and supplies. |

Revenue Accounting and Collecting

| | |
|----|---|
| 45 | Customers service applications and contracts. |
| 46 | Rate schedules. |
| 47 | Customer guarantee deposits. |
| 48 | Meter reading sheets and records. |
| 49 | Maximum demand pressure temperature. |
| 50 | Miscellaneous billing data. |
| 51 | Revenue summaries. |
| 52 | Customers ledgers. |
| 53 | Merchandise sales. |
| 54 | Collection reports and records. |
| 55 | Customers' account adjustments. |
| 56 | Uncollectible accounts. |

Tax

| | |
|----|--|
| 57 | Tax records. |
| | <i>Treasury</i> |
| 58 | Statement of funds and deposits. |
| 59 | Records of deposits with banks and others. |
| 60 | Records of receipts and disbursements. |

Miscellaneous Records

| | |
|----|--|
| 61 | Statistics. |
| 62 | Budgets and other forecasts. |
| 63 | Correspondence. |
| 64 | Records of predecessor and former associates. |
| 65 | Reports to federal and state regulatory commissions. |
| 66 | Copies of advertisements. |

| Description | Retention period |
|---|---|
| 4. Debt security records: ^a | |
| (a) Registered bond and debenture ledgers..... | 3 years after redemption. |
| (b) Bond and debenture subscription accounts, warrants, subscription notices, requests for allotment and essential papers related thereto. | 3 years after settlement. |
| (c) Stubs or similar records of bond and debenture certificates issued. | 3 years after redemption. |
| (d) Papers pertaining to or supporting transfers of registered bonds and debentures: | |
| (1) Papers that are recorded officially in a court or in the office of some other public recording authority; and other papers presented by any bank or trust company requesting transfers in its capacity as a fiduciary, plus other miscellaneous papers. | Destroy at option or return to holders of the bonds or debentures. |
| (e) Records of bond and debenture interest coupons paid and unpaid. | Destroy at option. ^b |
| (f) Canceled bonds and debentures and paid interest coupons pertaining thereto. | Do. |
| (g) Trust indentures, loan agreements or other contracts or agreements securing debt securities issued. (If such papers or documents are included among the records covered by item 5 of the regulation, this instruction will not apply.) | 6 years after redemption. |
| (h) Copies of reports, statements, letters or memoranda filed with trustee(s) pursuant to provisions of trust indenture or other security instrument or agreement securing debt securities issued. | 6 years after redemption. (Destroy at option provided that the trustee(s) under such indenture or security instrument is a national bank, a member of the Federal Reserve System or a subsidiary of any such national bank or Federal Reserve System member bank; and provided further that the trustee(s) has certified to the company that copies of all such documents will be available in the offices of the trustee(s) for inspection at any time prior to redemption by holders of debt securities to which such documents relate and for inspection by any Federal or State regulatory authority prior to redemption and for an additional period of 6 years after redemption.) |
| (i) Paid or canceled debt securities evidencing temporary borrowings. | 3 years after payment or cancellation, provided other records of issuance and payment or cancellation are maintained. |
| (j) Paid interest checks..... | 6 years. |

| Description | Retention period |
|--|---|
| CORPORATE AND GENERAL | |
| 1. Capital stock records: | |
| (a) Capital stock ledgers or other records showing the same information. | 6 years after the stockholder's account is closed. ¹ |
| (b) Capital stock subscription accounts, warrants, requests for allotments and other essential papers related thereto. | 2 years after settlement. |
| (c) Stubs or similar records of capital stock certificate issuance where not used as capital stock ledger record. | 6 years after cancellation of certificate. If this record serves the purpose of a capital stock ledger, 1(a) is applicable. |
| (d) Stock transfer registers or sheets or similar records. | 6 years after last entry on page or sheet of record. |
| (e) Papers pertaining to or supporting transfers of capital stock: | |
| (1) Papers that are recorded officially in a court or in the office of some other public recording authority; and other papers presented by any bank or trust company requesting transfers in its capacity as a fiduciary and miscellaneous papers. | Destroy at option or return to stockholder. |
| (f) Canceled capital stock certificates where not used as capital stock ledger records. | 6 years after cancellation of certificate. If this record serves the purpose of a capital stock ledger, 1(a) is applicable. |
| (g) Change of address notices of stockholders..... | Destroy at option after changes are recorded. |
| (h) Bonds of indemnity and affidavits covering issuances of stock certificates to replace lost certificates. | 6 years after expiration of bonds. |
| (i) Letters, notices, reports, statements and other communications distributed to all stockholders of a particular class: | |
| (1) Formal communications addressed to all stockholders of a particular class, including annual reports to stockholders, notices of annual and special meetings of stockholders, and other notices, reports, letters or statements relating to corporate or stockholder actions. | Life of corporation. |
| (2) Interim reports of operations, speeches of corporate officers, notices of change of corporate address or telephone numbers, etc. | 6 years after the date thereof. |
| (j) Dividend registers, lists or similar records..... | 6 years. |
| (k) Paid dividend checks..... | Do. |
| (l) Third party dividend orders..... | 6 years after rescission order. |
| 2. Proxies and voting lists: | |
| (a) Proxies of holders of voting securities..... | 3 years. |
| (b) Lists of holders of voting securities represented at meetings. | 1 year. |
| 3. Reports to stockholders: | |
| (a) Annual reports or statements to stockholders..... | Life of corporation. |
| (b) Written acknowledgements of receipts of reports to stockholders and written requests for copies of such reports. | Destroy at option. |

See footnotes at end of table.

PROPOSED RULE MAKING

20067

| Description | Retention period | Description | Retention period |
|--|--|---|---|
| <p>5. Filings with and authorizations by regulatory agencies:</p> <p>(a) Authorizations from regulatory bodies for issuance of securities:</p> <p>(1) Copies of applications to regulatory bodies for authority to issue stocks, bonds, and other securities, including copies of exhibits in support of such applications.</p> <p>(2) Official copies of opinions and orders of regulatory bodies granting authority to issue securities.</p> <p>(3) Reports filed with regulatory bodies in compliance with authorizations to issue securities. (Reports of sales of securities of application of proceeds, etc.) File copies of such reports and supporting papers.</p> <p>(b) Copies of registration statements and other data filed with the Securities and Exchange Commission:</p> <p>(1) In connection with offerings of securities for sale to the public, or the listing of securities on exchanges, including supporting papers.</p> <p>(2) Copies of periodic reports and supporting papers filed in compliance with either the Securities Act of 1933 or the Securities Exchange Act of 1934.</p> | <p>25 years or until all securities covered are retired, whichever is shorter.*</p> <p>Until securities covered are retired.</p> <p>Do.</p> <p>25 years or until all securities covered are retired, whichever is shorter.*</p> <p>25 years.</p> <p>Life of corporation.</p> | <p>(b) Contracts with other utilities for the purchase, sale or interchange of product.</p> <p>(c) Leases pertaining to rentals of property to or from others.</p> <p>(d) Contracts and agreements with individual employees, labor unions, company unions, and other employee organizations relative to wage rates, hours and similar matters.</p> <p>(e) Contracts, agreements, and/or other essential records necessary to the carrying out of the functions of an employee's stock purchase or other type of employees' saving plan.</p> <p>(f) Contracts or agreements for the acquisition or disposal of investments (excluding temporary cash investments).</p> <p>(g) Memoranda essential to clarifying or explaining provisions of contracts listed above.</p> <p>(h) Card or book records of contracts, leases and agreements made, showing dates of expirations and of renewals, memoranda of receipts and payments under such contracts, etc.</p> | <p>6 years after expiration or cancellation.</p> <p>Do.</p> <p>Do.</p> <p>Do.</p> <p>25 years after disposal.</p> <p>For the same periods as contracts to which they relate.</p> <p>Do.</p> |
| <p>6. Organizational documents:</p> <p>(a) Minute books of stockholders', directors', and directors' committee meetings.</p> <p>(b) Titles, franchises, and licenses:</p> <p>(1) Deeds and other title papers (including abstracts of title and supporting data).</p> <p>(2) Corporate charters or certificates of incorporation.</p> <p>(3) Franchises and certificates authorizing operations as a public utility.</p> <p>(4) Licenses (including amendments thereof) granted by Federal or State authorities for construction and operation of utility plant.</p> <p>(5) Copies of formal orders of regulatory commissions served upon the utility.</p> | <p>Life of corporation.</p> <p>6 years after property is disposed of unless surrendered to transferee.</p> <p>Life of corporation.</p> <p>Do.</p> <p>25 years after plant is retired or expiration of license, whichever is shorter.</p> <p>Life of corporation.</p> | <p>8. Accountants' and auditors' reports:</p> <p>(a) Reports of examinations and audits by accountants and auditors not in the regular employ of the utility (such as reports of public accounting firms and regulatory commission accountants).</p> <p>(b) Internal audit reports and work papers.</p> | <p>7 years after date of report or Commission audit, whichever comes last.</p> <p>Do.</p> |
| <p>(c) Permits:</p> <p>(1) Permits and granted applications for the use of facilities of others.</p> <p>(2) Copies of permits and applications granted others for the use of the utility's facilities.</p> <p>(3) Applications for the use of facilities not granted and copies of such applications.</p> <p>(4) Permits of a temporary nature from municipalities or others to perform specific work, such as permits to open streets.</p> <p>(5) Organization diagrams and charts.</p> | <p>6 years after expiration or cancellation.</p> <p>Do.</p> <p>Destroy at option.</p> <p>Do.</p> <p>Destroy at option after expiration or supersession.</p> <p>6 years after expiration or cancellation.</p> | <p>9. Automatic data processing records. (Retain original source data used as input for data processing and data processing report printouts for the applicable periods prescribed elsewhere in the schedule):</p> <p>(a) Punched cards, tapes or similar media, used as intermediate records or steps in data processing for assembling data to be posted to the records of the company or used in a report or study.</p> <p>(b) Program documentation and revisions thereto.</p> | <p>Destroy at option.</p> |
| <p>7. Contracts and agreements (except contracts provided for elsewhere):</p> <p>(a) Service contracts, such as for management, accounting and financial services.</p> <p>See footnotes at end of table.</p> | <p>6 years after expiration or cancellation.</p> | <p>Retain for periods prescribed for related output data. Statements and illustrations as to the scope of operations should be sufficiently detailed to indicate (a) the application being performed, (b) the procedures employed in each application (which, for example, might be supported by flow charts, block diagrams or other descriptions of operating procedures), and (c) the controls used to insure accurate and reliable processing. Major program changes, together with their effective dates, should be noted in order to preserve an accurate chronological record.</p> | |

| Description | Retention period |
|---|--|
| 17. Records of securities owned: | |
| (a) Records of securities owned, in treasury, or with custodians (excluding temporary investments of cash). | 6 years after disposal of the investment. |
| 18. Payroll records: | |
| (a) Payroll sheets or registers of payments of salaries and wages. | 6 years. |
| (b) Records showing the distribution of salaries and wages paid and summaries or recapitulation statements of such distribution. | 6 years. See item 12(b). |
| (c) Time tickets, time sheets, time books, time cards, workmen's reports and other records showing hours worked, description of work and accounts to be charged: | |
| (1) When used as a basis for payment of salaries and wages supporting records described in 18(a). | 6 years. |
| (2) When used solely as basis for supporting records described in 18(b). | Destroy at option. |
| (d) Paid checks, receipts for wages paid in cash and other evidences of payments for services rendered by employees. | 3 years. |
| (e) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in payrolls, and similar records. | Do. |
| (f) Applications for payroll changes not authorized. | Destroy at option. |
| (g) Payroll authorizations and records of authorized positions. | 3 years. |
| (h) Records of deductions from payrolls. | Destroy at option. |
| (i) Comparative or analytical statements of payrolls. | Do. |
| (j) Employee's individual earnings record. | 6 years after termination of employment. |
| 19. Assignments, attachments, and garnishments: | |
| (a) Record of assignments, attachments, and garnishments of employees' salaries, including files of notices, etc., pertaining thereto. | Destroy at option. |
| (b) Minors' salary releases. | Do. |
| INSURANCE | |
| 20. Insurance records: | |
| (a) Records of insurance policies in force, showing coverage, premiums paid and expiration dates. | Destroy at option after expiration of such policies. |
| (b) Insurance policies. | Do. |
| (c) Records of amounts recovered from insurance companies in connection with losses and of claims against insurance companies, including reports of losses and supporting papers. | 6 years. |
| (d) Inspectors' reports and records of condition of property. | Destroy when superseded. |
| (e) Insurance maps of property and structures erected thereon. | Do. |
| (f) Records and statements relating to insurance requirements. | Destroy at option. |

Description Retention period

21. Injuries and damages:
- (A) Claim registers, card or book indexes and similar records in connection with claims presented against the company in connection with accidents resulting in damage to the property of others or personal injuries.
- (b) Papers, reports, statements of witnesses, etc., necessary to the support or rejection of individual claims against the company.
- (c) Other papers, reports or statements, pertaining to accidents, resulting in property damages or personal injuries, not necessary to the support or rejection of claims.
- (d) Detailed schedules or spread sheets of payments to others for personal injuries or for property damages.
- OPERATIONS AND MAINTENANCE
22. Production—Gas:
- (a) Boiler and gas machine logs, including supporting data.
- (b) Gas generation and output logs with supporting data.
- (c) Temperature and atmospheric pressure logs.
- (d) Coal, coke and oil reports.
- (e) Residual reports.
- (f) Recording instrument charts such as pressure (static and/or differential), temperature specific gravity, heating value, etc.
- (g) Test of heating value at stations and outlying points.
- (h) Records of gas produced, gas purchased, gas sent out and holder stock.
- (i) Analysis of gas produced and purchased including B.t.u. and sulphur content.
- (j) Records of general inspection and operating tests.
- (k) Well records, including cleaning, balling, shooting, etc., records; rock pressure; open flow; production, gas analysts' reports, etc.
- (l) Gasoline production.
- (m) Gas production by counties.
- (n) Gas measuring records.
- (o) Tool record.
- (p) Royalty record.
- See footnotes at end of table.

2 years after settlement.

Do.

Destroy at option.

2 years after settlement.

3 years.

Do.

Do.

Do.

1 year, except where the basic chart information is transferred to another record, the charts need only be retained six months provided the record containing the basic data is retained one year.

6 years.

Do.

Do.

3 years.

1 year after field or relevant production area abandoned.

6 years.

Destroy at option.

1 year, except where the basic chart information is transferred to another record, the charts need only be retained 6 months provided the record containing the basic data is retained 1 year.

For life of equipment.

6 years.

Description Retention period

- (q) Records of meter tests.
- (r) Meter history records.
23. Transmission and distribution—Gas:
- (a) Transmission line logs.
- (b) Transmission and distribution department load dispatching operating logs.
- (c) Service interruption logs and reports.
- (d) Records of general inspection and operating tests.
- (e) Reports on inspections and repairs of all street openings.
- (f) Apparatus failure reports.
- (g) Records of meter tests.
- (h) Meter history records.
- (i) Meter shop reports (monthly reports summarizing tests, repairs, etc.).
- (j) Gas measuring records.
- (k) Transmission line operating reports.
- (l) Compressor operation and reports.
- (m) Gas pressure department reports.
- (n) Recording instrument charts such as pressure (static and differential), temperature, specific gravity, heating value, etc.
24. Customers' service:
- (a) Reports of inspections of customers' premises.
- (b) Records and reports of customers' service complaints.
- (c) Survey of customers' premises to determine type of service and equipment to be installed.
- (d) Records of installed customers' appliances.
25. Records of auxiliary and other operations:
- Records of operations other than utility operations.
26. Maintenance work orders and job orders:
- (a) Authorizations for expenditures for maintenance work to be covered by work orders, including memoranda showing the estimates of costs to be incurred.
- (b) Work order sheets to which are posted in detail the entries for labor, material, and other charges in connection with maintenance, and other work pertaining to utility operations.
- (c) Summaries of expenditures on maintenance and job orders and clearances to operating and other accounts (exclusive of plant accounts).

Until superseding test, but not less than 2 years.

For life of meter.

3 years.

Do.

6 years.

3 years.

6 years.

Do.

Until superseding test, but not less than 2 years, or as may be necessary to comply with service rules regarding refunds on fast meters.

For life of meter.

3 years.

Do.

Do.

Do.

Do.

1 year, except where the basic chart information is transferred to another record, the charts need only be retained 6 months provided the record containing the basic data is retained 1 year.

2 years.

Do.

Destroy at option.

Do.

Retain for same periods as prescribed in these regulations for similar records pertaining to utility operations.

0 years

Do.

Do.

SCHEDULE OF RECORDS AND PERIODS OF RETENTION—CONTINUED

Description Retention period

- (e) Completion or performance reports showing comparison between authorized estimates and actual expenditures for utility plant additions. 10 years.
- (f) Analysis or cost reports showing quantities of materials used, unit costs, number of man-hours, etc., in connection with completed construction project. 10 years after clearance to the plant account, provided continuing property plant inventory records are maintained; otherwise 6 years after plant is retired.
- (g) Records and reports pertaining to progress of construction work, the order in which jobs are to be completed, and similar records which do not form a basis of entries to the accounts. Destroy at option.
- (h) Well-drilling logs and well-construction records. 1 year after field or relevant production area abandoned.
32. Retirement work in progress ledgers, work orders, and supplemental records:
- (a) Work order sheets to which are posted the entries for removal costs, materials recovered, and credits to utility plant accounts for cost of plant retired. 10 years after plant is retired, provided mortality data are retained.
- (b) Authorizations for retirement of utility plant, including memoranda showing the basis for determination of cost of plant to be retired and estimates of salvage and removal costs. 10 years after clearance to the plant account, provided continuing plant inventory records are maintained; otherwise 6 years after plant is retired.
- (c) Registers of retirement work orders. 10 years.
33. Summary sheets, distribution sheets, reports, statements, and papers directly supporting debits and credits to utility plant accounts not covered by construction or retirement work orders and their supporting records. 10 years after clearance to the plant account, provided continuing plant inventory records are maintained; otherwise 6 years after plant is retired.
34. Appraisals and valuations:
- (a) Appraisals and valuations made by the company of its properties or investments or of the properties or investments of any associated companies. (Includes all records essential thereto.) 3 years after disposition, termination of lease, or writeoff of property or investment.
35. Maps and map reproductions:
- (a) Geological maps and aerial photographs of field showing the location and physical characteristics of production, transmission, and distribution systems of the natural gas company. Until map is superseded or 6 years after plant is retired, provided mortality data are retained.
36. Engineering records in connection with construction projects:
- (a) Maps, diagrams, profiles, plans, photographs, records of engineering studies and similar records in connection with proposed construction projects:
- (1) If construction of project results wholly or in part.
- (2) If construction of project does not result.

SCHEDULE OF RECORDS AND PERIODS OF RETENTION—CONTINUED

Description Retention period

PERSONNEL

27. Personnel records:
- (a) Employees' service records, length of service, and other pertinent data. 3 years after termination of employment.
- (b) Applications for employment, requests for medical examination, medical examiner's report, photographs and other identification records, and other miscellaneous records pertaining to the hiring of employees. Destroy at option.
28. Employees' benefit and pension records:
- (a) Detailed records showing computations of accruals for pension liabilities. 6 years after supersession of the study or report or termination of plan.
- (b) Pension or annuity payrolls. 3 years.
- (c) Pension paychecks. 3 years.
- (d) Records pertaining to employees' benefit programs. Destroy at option.
29. Instructions to employees and others:
- (a) Bulletins or memoranda of general instructions issued by the company to employees pertaining to changes in accounting, engineering, operating, maintenance and construction policies. 10 years after expiration or supersession.
- (b) Bulletins or memoranda of general instructions issued by the company to employees pertaining to accounting, engineering, operating, maintenance and construction methods and procedures. Destroy at option after expiration or supersession.
- (c) Notices to employees on matters of discipline, department, and other similar subjects. Destroy at option.
- PLANT AND DEPRECIATION
30. Plant ledgers:
- (a) Ledgers of utility plant accounts including land and other detailed ledgers showing the cost of utility plant by classes. 50 years.
- (b) Continuing plant inventory ledger, book or card records showing description, location, quantities, cost, etc., of physical units (or items) of utility plant owned. 6 years after plant is retired, provided mortality data are retained.
31. Construction work in progress ledgers, work orders, and supplemental records:
- (a) Construction work in progress ledgers. 10 years after clearance to the plant account, provided continuing plant inventory records are maintained; otherwise 6 years after plant is retired.
- (b) Work order sheets to which are posted in summary form or in detail the entries for labor, materials and other charges for utility plant additions and the entries closing the work orders to utility plant in service at completion. Do.
- (c) Authorizations for expenditures for additions to utility plant, including memoranda showing the detailed estimates of cost and the basis therefor (including original and revised or subsequent authorizations). 10 years.
- (d) Requisitions and registers of authorizations for utility plant expenditures. Do.

See footnotes at end of table.

| Description | Retention period |
|---|---|
| 37. Contracts and other agreements relating to natural gas company records: | |
| (a) Contracts relating to acquisition or sale of plant. | 6 years after plant is retired. |
| (b) Contracts and other agreements relating to services performed in connection with construction of utility plant (including contracts for the construction of plant by others for the utility and for supervision and engineering relating to construction work). | Do. |
| (c) The primary records of gas acreage owned, leased, or optioned excluding deeds and leases but including such records as lease sheets, leasehold cards, and option agreements. | 6 years after rights to the gas acreage have expired or otherwise dissolved. |
| 38. Records pertaining to reclassifications of utility plant accounts to conform to prescribed systems of accounts, including supporting papers showing the bases for such reclassifications. | 6 years (see item 12(b)(1)). |
| 39. Records of accumulated provisions for depreciation and depletion of utility plant: | |
| (a) Detailed records or analysis sheets segregating the accumulated depreciation according to functional classification of plant. | 25 years. |
| (b) Records supporting computation of depreciation and depletion expense of utility plant, including such data as life and salvage studies. | Do. |
| PURCHASE AND STORES | |
| 40. Procurements: | |
| (a) Agreements entered into for the acquisition of goods or the performance of services. Includes all forms of agreements not specifically set forth in item 7 such as, but not limited to: Letters of intent, exchange of correspondence, master agreements, term contracts, rental agreements and the various types of purchase orders: | 6 years. |
| (1) For goods or services relating to plant construction. | Do. |
| (2) For other goods or services. | Do. |
| (b) Supporting documents including bids or proposals evidencing all relevant elements of the procurement. | 6 years (see item 12(b)). |
| (c) All other procurement records such as requisitions, advices from suppliers, registers or similar records of invoices. | Destroy at option after company's accounts have been examined by independent accountants. |
| 41. Material ledgers: | |
| (a) Ledger sheets and card records of materials and supplies received, issued, and on hand. | 6 years (see item 12(b)). |
| (b) Statements of materials and supplies on hand, per ledgers. | Destroy at option after completion of annual audit by independent accountants. |
| 42. Materials and supplies received and issued: | |
| (a) Records and reports pertaining to receipt of materials and supplies. | Do. |
| (b) Records of inspecting and testing materials and supplies. | Destroy at option. |

See footnotes at end of table.

| Description | Retention period |
|---|---|
| (c) Records showing the detailed distribution of materials and supplies issued during accounting periods. | 6 years (see item 12(b)). |
| (d) Records of material issued, transferred or returned to stock: | |
| (1) Showing quantities, unit prices, and accounts to be charged. | 6 years. |
| (2) Showing only quantities and accounts to be charged. | Destroy at option if the basic information contained thereon is transferred to other records. |
| (e) Minor records and reports pertaining to materials and supplies not involving costs or final dispositions, such as reports of unfilled requisitions, authorizations for additions to stock, and similar records; also, storeroom copies of purchase orders and price records, other copies being retained in files of purchasing department. | Destroy at option. |
| 43. Records of sales of scrap and materials and supplies: | |
| (a) Authorizations for sale of scrap and materials and supplies. | 3 years. |
| (b) Contracts for sale of scrap and materials and supplies. | Do. |
| (c) Memoranda pertaining to sale of scrap and materials and supplies. | Destroy at option. |
| 44. Inventories of materials and supplies: | |
| (a) General inventories of materials and supplies on hand with records of adjustments of accounts required to bring stores records into agreement with physical inventories. | Destroy at option after completion of annual audit by independent accountants. |
| (b) Stock cards, inventory cards, and other detailed records pertaining to the taking of inventories if abstracted into records covered by (a). | Destroy at option. |
| (c) Minor inventories of materials and supplies on hand if not reflected in adjustments of accounts. | Do. |
| REVENUE ACCOUNTING AND COLLECTING | |
| 45. Customers' service applications and contracts: | |
| (a) Applications for utility service for which contracts have been executed. | Do. |
| (b) Applications for utility service used in lieu of contracts. | 1 year. |
| (c) Contracts and card files or other records thereof with customers for utility service (see also item 7(b)). | 1 year after expiration or cancellation. |
| (d) Applications for utility service which were withdrawn by applicant or not granted by the utility. | 1 year. |
| (e) Contracts or sales agreements with customers and others for sale of merchandise and appliances. | 1 year after sales agreement is discharged. |
| (f) Contracts for lease of equipment to customers, including receipts for same. | 1 year after expiration of contract or return of equipment. |
| (g) Applications and contracts for extensions covered by refundable deposits or guarantees of revenue, also records pertaining to such contracts. | 1 year after entire amount is refunded. |
| (h) Applications and contracts for extensions for which donations or contributions are made by customers or others. | 60 years. |

SCHEDULE OF RECORDS AND PERIODS OF RETENTION—CONTINUED

SCHEDULE OF RECORDS AND PERIODS OF RETENTION—CONTINUED

| Description | Retention period |
|---|--|
| 46. Rate schedules: (a) General files of published rate sheets and schedules of utility service. (Including schedules suspended or superseded.) (b) Divisional or local office copies of rate sheets and schedules of utility service. | 50 years. 1 year after expiration or cancellation. |
| 47. Customers' guarantee deposits: (a) Customers' deposit ledgers or card records. (b) Customers' deposit certificate books. (c) Receipts for customers' deposits refunded. (d) Receipts for interest on customers' deposits. (a) Superseded meter reading sheets. | 6 years after refund. Do. Do. Do. 2 years or as may be necessary to comply with service rules regarding refunds on fast meters. 1 year. |
| (b) Meter reread sheets (special readings to check high or low consumption). (c) Customers' reading cards. (d) Connection and disconnection orders. (e) Superseded indexes to meter books. (f) Mark sensed meter reading cards. | Do. Do. Destroy at option. Destroy at option after transferring data to other record. 1 year, except where the basic chart information is transferred to another record the charts need only be retained 6 months, provided the record containing the basic data is retained 1 year. |
| 49. Maximum demand, pressure, temperature, and specific gravity charts and demand meter record cards. | Destroy at option. |
| 50. Miscellaneous billing data: (a) Billing department's copies of contracts with customers (in addition to contracts in general files). (b) Service and inspection orders from which customers are charged and sundry charge advices. (c) Authorizations for charges under utility service contracts. (d) Standard billing sheets or schedules (showing computed bills of varying consumption according to rates). (a) Revenue summaries: (a) Summaries of monthly operating revenues according to classes of service for entire utility. (b) Summaries of monthly operating revenues according to classes of service by towns, districts, or divisions (including summaries of forfeited discounts and penalties). | Destroy at option. 1 year. 1 year after expiration of contract. Destroy at option. 6 years. Do. |

See footnotes at end of table.

Description

Retention period

| | |
|--|--|
| 52. Customers' ledgers and other records used in lieu thereof: (a) Customers' ledgers. (b) Records used in lieu of customers' ledgers, such as bill summaries, registers, bill stubs, etc. (c) Copies of large bills: (1) If details are transcribed to ledgers covered by item (a) above. (2) If details are not transcribed to ledgers. (d) Trial balances of ledgers referred to above. (e) Indexes to customers' accounts. (f) Change of address notices. (g) Cards and other records relating to forfeited discounts. | 2 years or as may be necessary to comply with service rules regarding refunds on fast meters. Do. Destroy at option. 2 years. 1 year. 2 years. Destroy at option. 2 years. |
| 53. Merchandise sales—accounting and collecting: (a) Merchandise sales tickets (duplicates) and charge slips for work done. (b) Merchandise registers and summaries of sales. (c) Merchandise ledgers and installment records. (d) Merchandise sales returns and adjustment tickets. (e) Cashiers' stubs for merchandise collections. (f) Cashiers' periodic reports and statements of collections on merchandise accounts. (g) Records of monthly statements to customers. (h) Reports relating to status of merchandise accounts receivable. (i) Job orders and supporting details of charges to customers for work done. (j) Indexes and trial balances of merchandise ledgers. 54. Collection reports and records: (a) Periodic reports, lists, and summaries of collections of operating revenues by collectors, agents, and local or divisional or district offices. (See item 60(d).) (b) Bill stubs, copies of bills, collection slips, and other records pertaining to collections, summarized or detailed in daily or periodic cash reports. (c) Memorandum records of remittances from local or branch offices. | Destroy at option after annual audit and 6 months after account is settled. 3 years. 1 year after completion of payments. Destroy at option after annual audit and 6 months after account is settled. 6 months. 1 year. Destroy at option. 1 year. 3 years. 1 year. Destroy at option. 6 months. Do. |

Note: See item 59 pertaining to deposits of cash with banks. Item 59 applies to all bank accounts whether at General, local, or divisional offices.

| Description | Retention period |
|--|--|
| 55. Customers' account adjustments: | |
| (a) Detailed records pertaining to adjustments of customers' accounts for overcharges, undercharges, and other errors, results of which have been transcribed to other records. | 1 year. |
| (b) Detailed records of high-bill complaints whether or not resulting in adjustments to customers' accounts. Uncollectible accounts and customers' credit records: | Do. |
| (a) Records of ratings, credit classifications, and investigations of customers. | Destroy at option. |
| (b) Ledger accounts and supporting details of customers' accounts considered to be uncollectible. | For period legally collectible. |
| (c) Reports and statements showing age and status of customers' accounts. | 1 year. |
| (d) Data on unpaid final bills. | Do. |
| (e) Authorizations for writing off customers' accounts. | 3 years. |
| 57. Tax records: | |
| (a) Copies of returns and schedules filed with taxing authorities, supporting work papers, records of appeals, tax bills and receipts for payment. (See item 15(b) for vouchers evidencing disbursements): | |
| (1) Federal income tax returns. | 7 years after settlement. |
| (2) State income and property tax returns. | 2 years after settlement. |
| (3) Sales and use taxes. | 3 years. |
| (4) Other taxes. | 2 years after settlement. |
| (5) Agreements between associate companies as to allocation of consolidated income taxes. | 7 years after settlement. |
| (6) Schedule of allocation of consolidated Federal income taxes among associate companies. | Do. |
| (b) Summaries of taxes paid. | Destroy at option. |
| (c) Filings with taxing authorities to qualify employee benefit plans. | 7 years after settlement of Federal or discontinuance of plan, whichever is later. |
| (d) Information returns and reports to taxing authorities. | 3 years, or for the period of any extensions granted for audit. |
| 58. Statements of funds and deposits: | |
| (a) Summaries and periodic statements of cash balances on hand and with depositories. | Destroy at option. |
| (b) Statement of managers' and agents' cash balances on hand and with depositories. | Do. |
| (c) Authorizations for and statements of transfer of funds from one depository to another. | Do. |
| (d) Regulations and receipts for funds furnished managers, agents, and others. | Destroy at option after funds have been returned or accounted for. |
| (e) Records of fidelity bonds of employees and others responsible for funds of the utility. | Destroy at option after liability of bonding company has expired. |
| (f) Reports and estimates of funds required for general and special purposes. | Destroy at option. |
| See footnotes at end of table. | |

| Description | Retention period |
|--|--|
| 59. Records of deposits with banks and others: | |
| (a) Copies of bank deposit slips. | Destroy at option after completion of annual audit by independent accountants. |
| (b) Advice of deposits made when information thereon is shown on other records which are retained. | Do. |
| (c) Statements from depositories showing the details of funds received, disbursed, transferred, and balances on deposit. | Do. |
| (d) Bank reconciliation papers. | Do. |
| (e) Statements from banks of interest credits. | Do. |
| (f) Check stubs, registers, or other records of checks issued. | 6 years. |
| (g) Correspondence and memoranda relating to the stopping of payment of bank checks and to the issuance of duplicate checks. | 6 years or destroy at option after check is recovered. |
| 60. Records of receipts and disbursements: | |
| (a) Daily or other periodic statements of receipts or disbursements of funds. | Destroy at option after completion of annual audit by independent accountants. |
| (b) Records or periodic statements of outstanding vouchers, checks, drafts, etc. issued and not presented. | Do. |
| (c) Reports of associates showing working fund transactions and summaries thereof. | Do. |
| (d) Reports of revenue collections by field cashiers, pay stations, etc. | Do. |
| MISCELLANEOUS | |
| 61. Statistics and miscellaneous: | |
| (a) Annual financial, operating and statistical reports regularly prepared in the course of business for internal administrative or operating purposes (and not used as the basis for entries to accounts of the companies concerned) to show the results of operations and the financial condition of the utility. | 10 years after date of report. |
| (b) Quarterly, monthly or other periodic financial, operating and other statistical reports as above. | 2 years after date of report. |
| (c) All other statistical reports (not covered elsewhere in these regulations) prepared for internal administrative or operating purposes only and not used as the basis for entries to the accounts of the company. | Destroy at option. |
| 62. Budgets and other forecasts: (Prepared for internal administrative or operating purposes) of estimated future income, receipts and expenditures in connection with financing, construction and operations and acquisitions or disposals of properties or investments by the company and its associate companies, including revisions of such estimates and memoranda showing reasons for revisions; also records showing comparison of actual income and receipts and expenditures with estimates. | 3 years. |

| Description | Retention period |
|---|---|
| 63. Correspondence: (a) Correspondence and indexes thereto relating to offices covered by other items of these regulations. (b) Stenographers' notebooks and dictaphone or other mechanical device records. (c) Mailing lists of prospects for appliance sales, securities, etc. | Retain for the period prescribed for the item to which it relates where necessary to a proper explanation of same. Destroy at option. Do. |
| 64. Records of predecessors and former associates----- | Retain until the records of utility plant acquired have been integrated with the utility's plant records and the original cost of the acquired plant is adequately supported by cost details and until it is ascertained that such records are not necessary to fulfillment of any unsatisfied regulatory requirement, such as: (a) Approval and recording of accounting adjustments resulting from reclassification and original cost studies and acceptance of property acquisition journal entries, (b) cost, depreciation and amortization reserve determinations for licensed projects, (c) establishment of continuing plant inventory records or accounting evidence of the cost of long-lived property in the absence of such continuing plant inventory records. |
| 65. Reports to Federal and State regulatory commissions: (a) Annual financial, operating and statistical reports-- See footnotes at end of table. | Life of corporation. |

| Description | Retention period |
|---|---|
| (b) Monthly and quarterly reports of operating revenues, expenses, and statistics. (c) Special or periodic reports on the following subjects: (1) Transactions with associated companies----- (2) Budgets of expenditures----- (3) Accidents ----- (4) Employees and wages----- (5) Loans to officers and employees----- (6) Issues of securities----- (7) Purchases and sales, utility properties----- (8) Plant changes--units added and retired----- (9) Service interruptions----- 66. Other miscellaneous records: (a) Copies of advertisements by the company in behalf of itself or any associate company in newspapers, magazines and other publications including records thereof. (Excluding advertising of product, appliances, employment opportunities, services, territory, routine notices and invitations for bids for securities, all of which may be destroyed at option.) (b) Indexes of forms used by company----- | 2 years after date of report. 6 years. 3 years. 6 years. 5 years. 3 years after fully paid. Data filed with the SEC retain 25 years or until all securities covered are retired, whichever is shorter; other reports retain until securities covered are retired. Life of corporation. Do. Do. 6 years. Do. Do. Destroy when superseded. |

- * See § 225.2, General instructions (n) —Schedule of Notes (1).
- * See § 225.2, General instructions (n) —Schedule of Notes (2).
- * See § 225.2, General instructions (n) —Schedule of Notes (3).
- * See § 225.2, General instructions (n) —Schedule of Notes (4).
- * See § 225.2, General instructions (n) —Schedule of Notes (5).

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-14868 Filed 10-14-71;8:45 am]

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 50-62]

UNIVERSITY OF VIRGINIA

Notice of Proposed Issuance of Amended Facility License

The Atomic Energy Commission (the Commission) is considering the issuance of an amendment to Facility License No. R-66 to the University of Virginia. The license authorizes the University to possess, use, and operate its pool-type nuclear reactor located in Charlottesville, Va., at steady state power levels up to a maximum of 1 megawatt (thermal). The amendment would authorize the university to operate at power levels up to a maximum of 2 megawatts (thermal) and incorporate technical specifications in the license. The amendment would also restate the license in its entirety to delete the recordkeeping and reporting requirements (these requirements will be incorporated in the technical specifications) and to incorporate all of the applicable amendments previously issued.

The Commission has found that the application for the amendment, as supplemented, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I. The amendment will be issued after the Commission makes the findings required by the Act and the Commission's regulations, which are set forth in the proposed amendment, and concludes that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within 15 days from the date of publication of this notice in the *FEDERAL REGISTER*, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to the proposed issuance, see (1) the University's application for license amendment dated August 22, 1967, and supplements thereto, dated October 1, 1970, and March 30, 1971, (2) the related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the proposed amended facility license, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A copy of each of items (2) and (3) above may be obtained upon request sent to the

U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 5th day of October 1971.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor
Operations, Division of Re-
actor Licensing.

[FR Doc.71-15027 Filed 10-14-71;8:46 am]

FEDERAL HOME LOAN BANK BOARD

[H.O. No. 110]

IMPERIAL CORPORATION OF AMERICA

Notice of Receipt of Application for Approval of Acquisition of Control

OCTOBER 12, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Imperial Corporation of America, San Diego, Calif., a multiple savings and loan holding company, for approval of acquisition of control of the Midland Savings and Loan Association, Fresno, Calif., an insured institution under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by the exchange of the guarantee stock of Midland Savings and Loan Association for stock of Imperial Corporation of America. Following the proposed acquisition, Imperial Corporation proposes to merge Imperial Savings and Loan Association of Santa Barbara, an insured subsidiary of Imperial Corporation into Midland Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the *FEDERAL REGISTER*.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-15090 Filed 10-14-71;8:51 am]

OFFICE OF EMERGENCY PREPAREDNESS

NEW YORK

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of New York, dated September 17, 1971,

and published September 23, 1971 (36 F.R. 18913), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 13, 1971:

The counties of:

Bronx.
Kings.
New York.

Queens.
Richmond.
Ulster.

Dated: October 8, 1971.

G. A. LINCOLN,
Director, Office of Emergency
Preparedness.

[FR Doc.71-15077 Filed 10-14-71;8:50 am]

PENNSYLVANIA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Pennsylvania, dated September 25, 1971, and published October 2, 1971 (36 F.R. 19339), is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 18, 1971:

The county of:

Westmoreland.

Dated: October 8, 1970.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-15078 Filed 10-14-71;8:50 am]

TEXAS

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Texas, dated September 25, 1971, and published October 2, 1971 (36 F.R. 19340), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 18, 1971:

The counties of:

Calhoun.
Hidalgo.
Jim Hogg.

Live Oak.
Starr.
Willacy.

Dated: October 8, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-15079 Filed 10-14-71;8:50 am]

DEPARTMENT OF LABOR

Employment Standards
AdministrationMINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTIONModification to Area Wage Determination
Decisions for Specified Localities
in Certain States

Modification to area wage determination decisions for specified localities in Florida, Kentucky, Illinois, Louisiana, Michigan, New Jersey, New York, Ohio, and Pennsylvania.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

| Decision No. | Date |
|--|---------------|
| AM-1,706, AM-1,709, AM-1,710, AM-1,713, AM-1,714, AM-1,715, AM-1,716, AM-1,717, AM-1,718, AM-1,719, AM-1,720, AM-1,723, AM-1,732 | Aug. 11, 1971 |
| AM-349 | Aug. 13, 1971 |
| AM-373, AM-376, AM-377, AM-378, AM-379, AM-381, AM-382, AM-386, AM-387, AM-388, AM-389, AM-392, AM-393, AM-394, AM-409, AM-410, AM-411, AM-412, AM-413, AM-414, AM-415, AM-416 | Aug. 18, 1971 |

| Decision No. | Date |
|--|---------------|
| AM-453, AM-455, AM-480, AM-481, AM-482, AM-1,852, AM-1,860, AM-1,862 | Aug. 20, 1971 |
| AM-3,627, AM-3,628 | Aug. 25, 1971 |

are hereby modified as set forth below.

These modifications are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, *Procedure for Predetermination of Wage Rates*, and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and fed-

erally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modifications are effective from their date of publication in the FEDERAL REGISTER until the end of the 120-day period for which the determinations being modified were issued and are to be used in accordance with provisions of 29 CFR Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. 553 is set forth in the document being modified.

The modifications to the area wage determination decisions listed above are set forth below.

Signed at Washington, D.C., this 8th day of October 1971.

HORACE E. MENASCO,
Administrator, Employment
Standards Administration.

MODIFICATIONS

| Classification | Basic hourly rates | Fringe benefits payments | | | | |
|---|--------------------|--------------------------|----------|-----------|----------|-------|
| | | H & W | Pensions | Vacation | App. Tr. | Other |
| WD No. AM-453-S6 F.R. 16373, Dade County, Fla. Modification No. 2 | | | | | | |
| CHANGE: Glaziers..... | \$7.40 | \$0.30 | \$0.20 | ----- | \$0.01 | ----- |
| WD No. AM-455-S6 F.R. 16381, Hillsborough County, Fla. Modification No. 2 | | | | | | |
| CHANGE: Plumbers..... | 6.70 | .25 | .50 | \$0.10 | .05 | ----- |
| Steamfitters..... | 6.70 | .25 | .50 | .10 | .05 | ----- |
| WD No. AM-349-S6 F.R. 16267, Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, St. Clair, and Washington Counties, Ill. Modification No. 2 | | | | | | |
| CHANGE: Carpenters and piledrivers: Macoupin and Montgomery Counties..... | 7.00 | .25 | ----- | ----- | ----- | ----- |
| WD No. AM-480-S6 F.R. 16437, Jefferson County, Ky. Modification No. 1 | | | | | | |
| CHANGE: Elevator constructors..... | 8.03 | .125 | .20 | 1 1/4-a&b | .005 | ----- |
| Elevator constructors helpers..... | 70%JR | .125 | .20 | 1 1/4-a&b | .005 | ----- |
| WD No. AM-481-S6 F.R. 16442, McCracken County, Ky. Modification No. 1 | | | | | | |
| CHANGE: Elevator constructors..... | \$8.03 | .125 | .20 | 1 1/4-a&b | .005 | ----- |
| Elevator constructors helpers..... | 70%JR | .125 | .20 | 1 1/4-a&b | .005 | ----- |
| WD No. AM-482-S6 F.R. 16448, Warren County, Ky. Modification No. 1 | | | | | | |
| CHANGE: Bricklayers and stonemasons..... | \$8.36 | ----- | ----- | ----- | ----- | ----- |
| WD No. AM-3,627-S6 F.R. 16738, Caddo, Bossier Parishes, La. Modification No. 1 | | | | | | |
| CHANGE: Asbestos workers..... | 6.425 | .25 | .175 | ----- | .025 | ----- |
| Bricklayers..... | 6.55 | ----- | ----- | ----- | ----- | ----- |

MODIFICATIONS—Continued

LA 2-PEC-N

| Classification | Basic hourly rates | Fringe benefits payments | | | | |
|---|--------------------|--------------------------|----------|----------|----------|-------|
| | | H & W | Pensions | Vacation | App. Tr. | Other |
| WD No. AM-5,623-56 F.R. 16740, St. Bernard, Plaquemines, Orleans, and Jefferson Parishes, La. Modification No. 1 | | | | | | |
| CHANGE: | | | | | | |
| Bricklayers; Stonemasons; cement block layers; cleaners, pointers, caulkers | \$1.49 | \$0.20 | \$0.15 | | \$0.035 | |
| Carpenters: | | | | | | |
| Carpenters | 0.07 | .03 | .10 | | .04 | |
| Piledrivers | 0.23 | .03 | .10 | | .04 | |
| Millwrights | 0.17 | .03 | .10 | | .04 | |
| Ironworkers: | | | | | | |
| Structural; ornamental; sheeters buck-up | 0.45 | .15 | .15 | | .02 | |
| Reinforcing | 0.45 | .15 | .15 | | .02 | |
| Laborers: | | | | | | |
| Laborers | 4.31 | .10 | .10 | | | |
| Stone masons helper; mech. tool operator (air, electric); sewerman | 4.41 | .10 | .10 | | | |
| Gunite tool operator | 4.23 | .10 | .10 | | | |
| Pipelayers nonmetallic | 4.41 | .10 | .10 | | | |
| Bricklayers and mason tenders | 4.43 | .10 | .10 | | | |
| Mortar mixer hand or machine | 4.53 | .10 | .10 | | | |
| Marble masons | 6.49 | .03 | .15 | | .035 | |
| Soft floor layers | 0.07 | .03 | .10 | | .04 | |
| Heavy equipment operators: | | | | | | |
| A-frame truck, when working with ironworkers and pipefitters; bulldozers D6 and larger; cable ways; concrete mixers (over 16S), paving machines, derricks, cranes, draglines and clam shells; deck winches (2); gradealls; Hi-Ho and similar type equipment; hoist, 1 drum 4 stories and over; hoist 2 drums or more; hydro cranes; mechanic; motor patrols; pile drivers; rollers on brick and asphalt; rubber-tired front-end loader, with or without blade attachment, 1 cu. yd. capacity or more scrapers; shovels, backhoes (all types); side boom cats; stabilizers, 3 drums or more; tractors; trenching machines; unit operator; welding journeyman; well point systems (gas, diesel, electric, etc.) | 0.37 | .10 | .15 | | | |
| Light equipment operators: | | | | | | |
| A-frame truck, except when working with ironworkers or pipefitters; air compressor; asphalt plant engineers; asphalt finisher, screed men; blade graders; boat operator; bull floats; concrete joining machines; concrete mixers, 16S and under; concrete spreader crusher operators; deck winch operator; deck winch operator (1); distributors, asphalt "ditch witch" and similar equipment; electric elevators (inside); finishing machines; firemen; form graders, forklifts; hoist, 1 drum, under 4 stories; power subgraders; pugmill operator; pull tractors; pump; pumpcrete rollers, except on brick and asphalt; rubber-tired front-end loader (with or without blade attachment) less than 1 cu. yd. capacity; scale operator; scoopmobile; snatch cats; spray machines; stabilizers, less than 3 drums; straddlebuggy; track machines and equivalent machines; tractors or bulldozers smaller than D6 | 0.50 | .10 | .15 | | | |
| Batch plant operator | 0.12 | .10 | .15 | | | |
| Mechanic helper | 0.12 | .10 | .15 | | | |
| Oilers (driver) | 0.12 | .10 | .15 | | | |
| Oilers | 4.85 | .10 | .15 | | | |
| Master mechanic | 0.87 | .10 | .15 | | | |
| Assistant master mechanic | 0.63 | .10 | .15 | | | |

MICHIGAN

| Classification | Basic hourly rates | Fringe benefits payments | | | | |
|--|--------------------|--------------------------|----------|----------|----------|-------|
| | | H & W | Pensions | Vacation | App. Tr. | Other |
| WD No. AM-573-56 F.R. 15777, Allegan County, Mich. Modification No. 2 | | | | | | |
| CHANGE: | | | | | | |
| Asbestos workers | \$7.63 | \$2.44 | \$3.65 | | \$0.01 | |
| Marble, tile, and terrazzo helpers | 0.00 | .03 | .29 | | | |
| Marble, tile, and terrazzo base machine | 0.33 | .03 | .29 | | | |
| WD No. AM-576-56 F.R. 15791, Calhoun County, Mich. Modification No. 3 | | | | | | |
| CHANGE: | | | | | | |
| Marble, tile, terrazzo helpers | 0.00 | .03 | .29 | | | |
| Marble, tile, terrazzo base machine | 0.33 | .03 | .29 | | | |
| WD No. AM-577-56 F.R. 15795, Charlevoix County, Mich. Modification No. 2 | | | | | | |
| CHANGE: | | | | | | |
| Asbestos workers | 7.63 | .44 | .65 | | .01 | |
| Marble, tile, terrazzo helpers | 0.01 | .03 | .29 | | | |
| Marble, tile, terrazzo base machine | 0.16 | .03 | .29 | | | |
| Marble, tile, terrazzo machine operator | 0.81 | .03 | .29 | | | |
| WD No. AM-578-56 F.R. 15800, Chippewa and Mackinac Counties, Mich. Modification No. 1 | | | | | | |
| CHANGE: | | | | | | |
| Asbestos workers | 7.05 | .44 | .65 | | .01 | |
| Ironworkers | 0.05 | .03 | | \$1.00 | .01 | |
| Laborers: | | | | | | |
| Construction laborers | 4.05 | .30 | .29 | | | |
| Material mixers, mortar mixers (hand or machine), vibrator operators, concrete mixer operators, motor driven buggy operators, chipping hammers, tamping machines (whether run by air, electric, or gas), and sand blasters | 0.05 | .30 | .29 | | | |
| Underground work: | | | | | | |
| Muckers, caisson workers, miners, drillers, blasters | 0.50 | .03 | .29 | | | |
| Blasters, miners, drillers, buster operators, and layers of all nonmetallic pipe, cement gun nozzlemen | 0.33 | .03 | .29 | | | |
| WD No. AM-579-56 F.R. 15804, Emmet County, Mich. Modification No. 2 | | | | | | |
| CHANGE: | | | | | | |
| Asbestos workers | 7.05 | .44 | .65 | | .01 | |
| Marble, tile, terrazzo helpers | 0.01 | .03 | .29 | | | |
| Marble, tile, terrazzo machine operator | 0.81 | .03 | .29 | | | |
| Marble, tile, terrazzo base machine | 0.16 | .03 | .29 | | | |
| WD No. AM-581-56 F.R. 15816, Gogebic County, Mich. Modification No. 1 | | | | | | |
| CHANGE: | | | | | | |
| Ironworkers | 0.55 | .25 | | 1.00 | .01 | |
| Laborers: | | | | | | |
| Construction laborers | 4.05 | .30 | .29 | | | |
| Material mixers, mortar mixers (hand or machine), vibrator operators, concrete mixer operators, motor driven buggy operators, chipping hammers, tamping machines (whether run by air, electric, or gas) and sand blasters | 0.05 | .30 | .29 | | | |
| Underground work: | | | | | | |
| Muckers, caisson workers, miners, drillers, blasters | 0.50 | .03 | .29 | | | |
| Blasters, miners, drillers, buster operators, and layers of all nonmetallic pipe, cement gun nozzlemen | 0.00 | .30 | .29 | | | |

NOTICES

MODIFICATIONS—Continued

| Classification | Basic hourly rates | Fringe benefits payments | | | | |
|---|--------------------|--------------------------|----------|----------|----------|-------|
| | | H & W | Pensions | Vacation | App. Tr. | Other |
| WD No. AM-382—\$8 F.R. 16817, Grand Traverse and Leelanau Counties, Mich. Modification No. 2 | | | | | | |
| CHANGE: | | | | | | |
| Asbestos workers..... | \$7.95 | \$0.44 | \$0.05 | | \$0.01 | |
| Marble, tile, terrazzo helpers..... | 5.61 | .30 | .20 | | | |
| Marble, tile, terrazzo machine operators..... | 5.81 | .30 | .20 | | | |
| Marble, tile, terrazzo base machine..... | 6.16 | .30 | .20 | | | |
| WD No. AM-383—\$8 F.R. 16837, Kent County, Mich. Modification No. 3 | | | | | | |
| CHANGE: | | | | | | |
| Asbestos workers..... | 7.95 | .44 | .05 | | .01 | |
| Marble, tile, terrazzo helpers..... | 5.61 | .30 | .20 | | | |
| Marble, tile, terrazzo machine operator..... | 5.81 | .30 | .20 | | | |
| Marble, tile, terrazzo base machine..... | 6.16 | .30 | .20 | | | |
| WD No. AM-387—\$8 F.R. 16842, Keweenaw, Houghton, Baraga, and Ontonagon Counties, Mich. Modification No. 1 | | | | | | |
| CHANGE: | | | | | | |
| Ironworkers..... | 6.95 | .25 | | 1.00 | .01 | |
| Laborers: | | | | | | |
| Construction laborers..... | 4.95 | .30 | .20 | | | |
| Material mixers, mortar mixers (hand or machine), vibrator operators, concrete mixer operators, motor driven buggy operators, chipping hammers, tamping machines (whether run by air, electric, or gas), and sand blasters..... | 5.05 | .30 | .20 | | | |
| Underground work: | | | | | | |
| Muckers, caisson workers, miners, drillers, blasters..... | 5.50 | .30 | .20 | | | |
| Blasters, miners, drillers, buster operators, and layers of all nonmetallic pipe, cement gun nozzlemen..... | 5.00 | .30 | .20 | | | |
| WD No. AM-388—\$8 F.R. 16846, Marquette County, Mich. Modification No. 1 | | | | | | |
| CHANGE: | | | | | | |
| Ironworkers..... | 6.95 | .25 | | 1.00 | .01 | |
| Laborers: | | | | | | |
| Construction laborers..... | 4.95 | .30 | .20 | | | |
| Material mixers, mortar mixers (hand or machine), vibrator operators, concrete mixer operators, motor driven buggy operators, chipping hammers, tamping machines (whether run by air, electric, or gas), and sand blasters..... | 5.05 | .30 | .20 | | | |
| Underground work: | | | | | | |
| Muckers, caisson workers, miners, drillers, blasters..... | 5.50 | .30 | .20 | | | |
| Blasters, miners, drillers, buster operators, and layers of all nonmetallic pipe, cement gun nozzlemen..... | 5.35 | .30 | .20 | | | |
| WD No. AM-389—\$8 F.R. 16850, Mason County, Mich. Modification No. 2 | | | | | | |
| CHANGE: | | | | | | |
| Asbestos workers..... | 7.95 | .44 | .05 | | .01 | |
| Marble, tile, terrazzo helpers..... | 5.61 | .30 | .20 | | | |
| Marble, tile, terrazzo machine operators..... | 5.85 | .30 | .20 | | | |
| Marble, tile, terrazzo base machine..... | 6.16 | .30 | .20 | | | |
| WD No. AM-392—\$8 F.R. 16867, St. Clair County, Mich. Modification No. 2 | | | | | | |
| CHANGE: | | | | | | |
| Glaziers..... | 7.85 | .35 | .35 | | | |
| WD No. AM-393—\$8 F.R. 16872, Washtenaw County, Mich. Modification No. 3 | | | | | | |
| CHANGE: | | | | | | |
| Glaziers..... | 7.85 | .35 | .35 | | | |
| WD No. AM-394—\$8 F.R. 16877, Wayne, Oakland, Macomb Counties, Mich. Modification No. 4 | | | | | | |
| CHANGE: | | | | | | |
| Glaziers..... | 7.85 | .35 | .35 | | | |

N.J. 4-LAB-5-I

| Classification | Basic hourly rates | Fringe benefits payments | | | | |
|--|--------------------|--------------------------|----------|----------|----------|-------|
| | | H & W | Pensions | Vacation | App. Tr. | Other |
| WD No. AM-1, 703—\$8 F.R. 14799, Atlantic and Cape May Counties, N.J. Modification No. 1 | | | | | | |
| CHANGE: | | | | | | |
| Building construction: | | | | | | |
| Lathers..... | \$6.35 | | \$0.15 | | \$0.01 | |
| Laborers, asphalt: | | | | | | |
| Street: | | | | | | |
| Head raker..... | 5.15 | \$0.26 | .44 | 0 | | |
| Rakers and screed board man..... | 5.00 | .26 | .44 | 0 | | |
| Tampers, smoothers, kettlemen, painters, top shovelers, and roller boys..... | 4.75 | .26 | .44 | 0 | | |
| Plant: | | | | | | |
| Scale mixers and burnermen..... | 5.00 | .26 | .44 | 0 | | |
| Feeders and dustmen..... | 4.75 | .26 | .44 | 0 | | |
| WD No. AM-1, 703—\$8 F.R. 14820, Camden and Gloucester Counties, N.J. Modification No. 2 | | | | | | |
| CHANGE: | | | | | | |
| Laborers, asphalt: | | | | | | |
| Street: | | | | | | |
| Head raker..... | 5.15 | .26 | .44 | 0 | | |
| Rakers and screen board man..... | 5.00 | .26 | .44 | 0 | | |
| Tampers, smoothers, kettlemen, painters, top shovelers, and roller boys..... | 4.75 | .26 | .44 | 0 | | |
| Plant: | | | | | | |
| Scale mixers and burnermen..... | 5.00 | .26 | .44 | 0 | | |
| Feeders and dustmen..... | 4.75 | .26 | .44 | 0 | | |

MODIFICATIONS—Continued

| Classification | Basic hourly rates | Fringe benefits payments | | | | |
|---|--------------------|--------------------------|----------|-------------|----------|-------|
| | | II & W | Pensions | Vacation | App. Tr. | Other |
| WD No. AM-1,710--\$8 F.R. 14827, Cumberland County, N.J. Modification No. 1 | | | | | | |
| CHANGE: | | | | | | |
| Laborers, asphalt: | | | | | | |
| Street: | | | | | | |
| Head raker..... | \$5.15 | \$3.25 | \$3.41 | a..... | | |
| Rakers and screed board man..... | 5.00 | .25 | .41 | a..... | | |
| Tampers, smoothers, kettlemen, painters, top shovelers, and roller boys..... | 4.75 | .25 | .41 | a..... | | |
| Plant: | | | | | | |
| Scale mixers and burnermen..... | 5.00 | .25 | .41 | a..... | | |
| Feeders and dustmen..... | 4.75 | .25 | .41 | a..... | | |
| WD No. AM-1,713--\$9 F.R. 14848, Mercer County, N.J. Modification No. 1 | | | | | | |
| CHANGE: | | | | | | |
| Building construction: | | | | | | |
| Princeton Borough, Princeton Township: | | | | | | |
| Tile setters..... | 6.65 | .45 | .55 | \$3.15..... | | |
| Tile setters' helpers..... | 6.25 | .75 | .75 | 2.75..... | | |
| Roofers: | | | | | | |
| Roofers, composition, waterproofing and slate and asphalt shingle..... | 8.14 | \$3.50 | \$3.30 | | | |
| Sprinkler fitters: | | | | | | |
| Town of Trenton..... | 9.165 | .25 | .49 | | \$3.02 | |
| Laborers, asphalt: | | | | | | |
| Street: | | | | | | |
| Head raker..... | 5.15 | .25 | .41 | a..... | | |
| Rakers and screed board man..... | 5.00 | .25 | .41 | a..... | | |
| Tampers, smoothers, kettlemen, painters, top shovelers, and roller boys..... | 4.75 | .25 | .41 | a..... | | |
| Plant: | | | | | | |
| Scale mixers and burnermen..... | 5.00 | .25 | .41 | a..... | | |
| Feeders and dustmen..... | 4.75 | .25 | .41 | a..... | | |
| WD No. AM-1,714--\$8 F.R. 14855, Middlesex County, N.J. Modification No. 2 | | | | | | |
| CHANGE: | | | | | | |
| Building construction: | | | | | | |
| Bricklayers, cementmasons, plasterers, and stonemasons: | | | | | | |
| Remainder of county..... | 8.00 | .25 | .25 | | | |
| Laborers, building: | | | | | | |
| Dunellen and South Plainfield Townships: | | | | | | |
| Laborers, air tool operators, mason tenders, plasterers' tenders and mortar mixers..... | 6.15 | .50 | .50 | | | |
| Southern Half of Middlesex County | | | | | | |
| Laborers, asphalt: | | | | | | |
| Street: | | | | | | |
| Head raker..... | 5.15 | .25 | .41 | a..... | | |
| Rakers and screed board man..... | 5.00 | .25 | .41 | a..... | | |
| Tampers, smoothers, kettlemen, painters, top shovelers, and roller boys..... | 4.75 | .25 | .41 | a..... | | |
| Plant: | | | | | | |
| Scale mixers and burnermen..... | 5.00 | .25 | .41 | a..... | | |
| Feeders and dustmen..... | 4.75 | .25 | .41 | a..... | | |
| WD No. AM-1,715--\$8 F.R. 14853, Monmouth County, N.J. Modification No. 2 | | | | | | |
| CHANGE: | | | | | | |
| Laborers, asphalt: | | | | | | |
| Street: | | | | | | |
| Head raker..... | 5.15 | .25 | .41 | a..... | | |
| Rakers and screed board man..... | 5.00 | .25 | .41 | a..... | | |
| Tampers, smoothers, kettlemen, painters, top shovelers and roller boys..... | 4.75 | .25 | .41 | a..... | | |
| Plant: | | | | | | |
| Scale mixers and burnermen..... | 5.00 | .25 | .41 | a..... | | |
| Feeders and dustmen..... | 4.75 | .25 | .41 | a..... | | |
| WD No. AM-1,716--\$8 F.R. 14870, Morris County, N.J. Modification No. 3 | | | | | | |
| OMIT: | | | | | | |
| Modification No. 2 in its entirety. | | | | | | |
| WD No. AM-1,717--\$8 F.R. 14878, Ocean County, N.J. Modification No. 2 | | | | | | |
| CHANGE: | | | | | | |
| Laborers, asphalt: | | | | | | |
| Street: | | | | | | |
| Head raker..... | 5.15 | .25 | .41 | a..... | | |
| Rakers and screed board man..... | 5.00 | .25 | .41 | a..... | | |
| Tampers, smoothers, kettlemen, painters, top shovelers and roller boys..... | 4.75 | .25 | .41 | a..... | | |
| Plant: | | | | | | |
| Scale mixers and burnermen..... | 5.00 | .25 | .41 | a..... | | |
| Feeders and dustmen..... | 4.75 | .25 | .41 | a..... | | |

Paid holidays:
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day;
E—Thanksgiving Day; F—Christmas Day.
Footnotes:
a. Holidays: A through F, Washington's Birthday, Armistice Day and Presidential

Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holiday falls or is observed as such.

NOTICES

MODIFICATIONS—Continued

N.J.—5-LAB-5-H

| Classification | Basic hourly rates | Fringe benefits payments | | | | |
|--|--------------------|--------------------------|----------|----------|----------|-------|
| | | H & W | Pensions | Vacation | App. Tr. | Other |
| WD No. AM-1, 718-36 F.R. 14886, Passaic County, N.J. Modification M ,1 | | | | | | |
| CHANGE: | | | | | | |
| Building construction: | | | | | | |
| Plumbers..... | \$3.00 | \$0.365 | \$0.50 | \$1.00 | | |
| Steamfitters..... | 8.00 | .365 | .50 | 1.00 | | |
| Laborers, asphalt: | | | | | | |
| Streets: | | | | | | |
| Head rakers..... | 5.40 | .36 | .54 | 0 | | |
| Rakers..... | 5.25 | .36 | .54 | 0 | | |
| Tampers and smoothers, kettlemen, painters, top shovelers, and roller boys..... | 5.00 | .36 | .54 | 0 | | |
| Plant: | | | | | | |
| Scale mixer and burnermen..... | 5.25 | .36 | .54 | 0 | | |
| Feeders and dustmen..... | 5.00 | .36 | .54 | 0 | | |
| WD No. AM-1,719-36 F.R. 14882, Somerset County, N.J. Modification No. 2 | | | | | | |
| CHANGE: | | | | | | |
| Building construction: | | | | | | |
| Bricklayers, cementmasons, plasters, and stonemasons: | | | | | | |
| Franklin Park..... | 8.00 | .35 | .25 | | | |
| Laborers, building: | | | | | | |
| North Plainfield, Warren, and Watchung: | | | | | | |
| Laborers..... | 6.15 | .50 | .50 | | | |
| Air tool operators, mason tenders, mortar mixers, plasterers' tenders..... | 6.15 | .50 | .50 | | | |
| WD No. AM-1,720-36 F.R. 14900, Union County, N.J. Modification No. 2 | | | | | | |
| CHANGE: | | | | | | |
| Building construction: | | | | | | |
| Laborers, building: | | | | | | |
| Remainder of county: | | | | | | |
| Laborers, air tool operators, mason tenders, mortar mixers, plasterers' tenders..... | 6.15 | .50 | .50 | | | |

Paid holidays:
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day;
E—Thanksgiving Day; F—Christmas Day.

Footnote:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

NEW YORK

| Classification | Basic hourly rates | Fringe benefits payments | | | | |
|---|--------------------|--------------------------|----------|----------|----------|-------|
| | | H & W | Pensions | Vacation | App. Tr. | Other |
| <i>WD No. AM-1,723—36 F.R. 14917, Broome County, N.Y. Modification No. 2</i> | | | | | | |
| CHANGE: | | | | | | |
| Building construction: | | | | | | |
| Sheet metal workers..... | \$7.47 | 5% | \$0.50 | | | |
| <i>WD No. AM-1,732—36 F.R. 14905, Orange County, N.Y. Modification No. 1</i> | | | | | | |
| CHANGE: | | | | | | |
| Building construction: | | | | | | |
| Marble setters, terrazzo workers and tile setters: | | | | | | |
| West Newburgh, Little Britain, Rock Tavern, Lagrange, New Hampton, Ridgebury, and Johnson to county line and all areas inclusive south thereof: | | | | | | |
| Tile setters..... | 6.65 | 4% | 4% | 5% | | |

Ohio

| Classification | Basic hourly rates | Fringe benefits payments | | | | |
|---|--------------------|--------------------------|----------|----------|-----------|-------|
| | | H & W | Pensions | Vacation | App. Tr. | Other |
| WD No. AM-403—36 F.R. 15920, Hamilton County, Ohio. Modification No. 1 | | | | | | |
| CHANGE: | | | | | | |
| Electricians and linemen—from Hamilton County Courthouse, Cincinnati: | | | | | | |
| Up to and including 18 miles radius..... | \$3.65 | \$0.15 | 1%+.15 | ----- | 1/4 of 1% | ----- |
| 18 miles to and including 21 miles..... | 8.95 | .15 | 1%+.15 | ----- | 1/4 of 1% | ----- |
| 21 miles up to and including 25 miles..... | 9.05 | .15 | 1%+.15 | ----- | 1/4 of 1% | ----- |
| Over 25 miles..... | 9.20 | .15 | 1%+.15 | ----- | 1/4 of 1% | ----- |
| Elevator constructors..... | 8.53 | .105 | \$0.20 | 2%+a&b | \$0.005 | ----- |
| Elevator constructors' helpers..... | 70%JR | .105 | .20 | 2%+a&b | .005 | ----- |
| Painters (heavy and highway): | | | | | | |
| Spray..... | \$7.83 | .15 | .15 | ----- | ----- | ----- |
| Bridges (highest point of clearance 60 ft. or more)..... | 8.53 | .15 | .15 | ----- | ----- | ----- |
| WD No. AM-410—36 F.R. 15925, Licking County, Ohio. Modification No. 1 | | | | | | |
| CHANGE: | | | | | | |
| Elevator constructors..... | 8.82 | .105 | .20 | 2%+a&b | .005 | ----- |
| Elevator constructors' helpers..... | 70%JR | .105 | .20 | 2%+a&b | .005 | ----- |
| Sheet metal workers..... | \$8.13 | .30 | .30 | ----- | .04 | ----- |
| WD No. AM-411—36 F.R. 15929, Lucas County, Ohio. Modification No. 1 | | | | | | |
| CHANGE: | | | | | | |
| Painters: | | | | | | |
| Brush, paperhanger, drywall tapers..... | 7.59 | .35 | .15 | ----- | ----- | ----- |
| Bridge railings (brush), powerhouses, refinery tanks..... | 8.84 | .35 | .15 | ----- | ----- | ----- |
| Spray, sandblasting and pressure cleaning..... | 8.14 | .35 | .15 | ----- | ----- | ----- |
| Cementmasons (building)..... | 9.14 | .30 | ----- | ----- | .02 | ----- |
| OMIT: | | | | | | |
| Painters: | | | | | | |
| Open Structural Steel: | | | | | | |
| Brush..... | 6.57 | .35 | .15 | ----- | ----- | ----- |
| Television and radio towers, church steeples, bridges, horizontal cables, tanks over 30 ft. (brush only)..... | 7.57 | .35 | .15 | ----- | ----- | ----- |

MODIFICATIONS—Continued

| Classification | Basic hourly rates | Fringe benefits payments | | | | |
|---|--------------------|--------------------------|----------|----------|----------|-------|
| | | H & W | Pensions | Vacation | App. Tr. | Other |
| WD No. AM-412—§§ F.R. 16934, Mahoning County, Ohio, Modification No. 2 | | | | | | |
| CHANGE: | | | | | | |
| Marble setters | \$7.815 | | | | | |
| Marble setters' helpers | 7.015 | | | | | |
| Terrazzo workers | 7.815 | | | | | |
| Terrazzo workers' helpers | 7.015 | | | | | |
| Tile setters | 7.815 | | | | | |
| Tile setters' helpers | 7.015 | | | | | |
| WD No. AM-413—§§ F.R. 16938, Muskingum County, Ohio, Modification No. 2 | | | | | | |
| CHANGE: | | | | | | |
| Roofers | 7.60 | \$0.23 | \$0.20 | | \$0.04 | |
| WD No. AM-414—§§ F.R. 16943, Portage County, Ohio, Modification No. 2 | | | | | | |
| CHANGE: | | | | | | |
| Roofers | 7.60 | .40 | .30 | | .02 | |
| Roofers' helpers: | | | | | | |
| First year | 60% JR | .40 | .30 | | .02 | |
| Second year | 70% JR | .40 | .30 | | .02 | |
| Third year | 80% JR | .40 | .30 | | .02 | |
| WD No. AM-415—§§ F.R. 16948, Stark County, Ohio, Modification No. 2 | | | | | | |
| CHANGE: | | | | | | |
| Roofers | 7.60 | .40 | .30 | | .02 | |
| Roofers' helpers: | | | | | | |
| First year | 60% JR | .40 | .30 | | .02 | |
| Second year | 70% JR | .40 | .30 | | .02 | |
| Third year | 80% JR | .40 | .30 | | .02 | |
| WD No. AM-416—§§ F.R. 16953, Summit County, Ohio, Modification No. 2 | | | | | | |
| CHANGE: | | | | | | |
| Bricklayers and stonemasons | 8.05 | .35 | .20 | | .01 | |
| Bricklayers, sewer | 9.23 | .35 | .20 | | .01 | |

PENNSYLVANIA

| Classification | Basic hourly rates | Fringe benefits payments | | | | |
|--|--------------------|--------------------------|----------|----------|----------|-------|
| | | H & W | Pensions | Vacation | App. Tr. | Other |
| WD No. AM-1,852--§§ F.R. 16295, Delaware County, Pa., Modification No. 1 | | | | | | |
| CHANGE: | | | | | | |
| Carpenters, heavy and highway..... | \$8.10 | \$0.02 | \$0.25 | g | \$0.07 | |
| Truckdrivers (building, heavy, highway): | | | | | | |
| Class I: | | | | | | |
| Helper, stake body truck (single axle), dumpster..... | 4.02 | .3175 | .30 | e+f | | |
| Class II: | | | | | | |
| Dump trucks, tandem and batch trucks, semitrailers, agitator mixer trucks, and dump-crete-type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)..... | 5.02 | .3175 | .30 | e+f | | |
| Class III: | | | | | | |
| Euclid type, Off-Highway equipment--back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, low-bed trailers..... | 5.22 | .3175 | .30 | e+f | | |
| WD No. AM-1, 850--§§ F.R. 16305, Montgomery County, Pa., Modification No. 1 | | | | | | |
| CHANGE: | | | | | | |
| Carpenters, heavy and highway..... | 8.10 | .02 | .25 | a | .07 | |
| Painters, (remainder of county): | | | | | | |
| Brush, steel, roller, and sandblasting..... | 7.10 | .45 | .20 | | | |
| Truckdrivers (building, heavy, highway): | | | | | | |
| Class I: | | | | | | |
| Helper, stake body truck (single axle), dumpster..... | 4.02 | .3175 | .30 | e+f | | |
| Class II: | | | | | | |
| Dump trucks, tandem and batch trucks, semitrailers, agitator mixer trucks, and dump-crete-type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)..... | 5.02 | .3175 | .30 | e+f | | |
| Class III: | | | | | | |
| Euclid type, off-highway equipment--back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, low-bed trailers..... | 5.22 | .3175 | .30 | e+f | | |
| WD No. AM-1,802--§§ F.R. 16314, Philadelphia County, Pa., Modification No. 1 | | | | | | |
| CHANGE: | | | | | | |
| Carpenters, heavy and highway..... | 8.10 | .02 | .25 | g | .07 | |
| Truckdrivers (building, heavy, highway): | | | | | | |
| Class I: | | | | | | |
| Helper, stake body truck (single axle), dumpster..... | 4.02 | .3175 | .30 | e+f | | |
| Class II: | | | | | | |
| Dump trucks, tandem and batch trucks, semitrailers, agitator mixer trucks, and dump-crete-type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (Tandem)..... | 5.02 | .3175 | .30 | e+f | | |
| Class III: | | | | | | |
| Euclid type, off-highway equipment--back or bell dump trucks and double-hitched equipment, straddle (Ross) carrier, low-bed trailers..... | 5.22 | .3175 | .30 | e+f | | |

[FR Doc.71-14995 Filed 10-14-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20812]

HOUSEHOLD GOODS AIR FREIGHT FORWARDER INVESTIGATION

Notice of Oral Argument

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on November 9, 1971, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the Board.

Dated at Washington, D.C., October 8, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-15085 Filed 10-14-71;8:51 am]

[Docket No. 21136, etc.]

RENO-PORTLAND/SEATTLE NONSTOP SERVICE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on October 27, 1971, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., October 12, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-15086 Filed 10-14-71;8:51 am]

[Docket No. 22157]

UNITED AIR LINES, INC.

Specific Commodity Rates on Periodicals, Floral Products, and Seafood; Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the request of the complainants and with the consent of United Air Lines, Inc., that oral argument in the above-entitled proceeding is hereby postponed from October 13, 1971, to a date hereafter to be designated.

Dated at Washington, D.C., October 8, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-15087 Filed 10-14-71;8:51 am]

[Docket No. 23333; Order 71-10-9]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Commissions and Reduced Fares for Cargo Sales Agents

Issued under delegated authority October 5, 1971.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to commissions and reduced fares for cargo sales agents; Docket 23333, Agreement CAB 22529, R-1 through R-3.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other air carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement, which relates to cargo agency matters, encompasses, in addition to provisions which would have the effect of allowing commissions to be paid to cargo sales agents in respect of international route charges intended for introduction from November 1, a new resolution dealing with reduced fare concessions available to such cargo sales agents.

With respect to the payment of commissions on international route charges, we tentatively propose herein to disapprove, for application in air transportation, this element of the agreement consistent with action by the Board in Order 71-9-43 regarding the implementation of these route charges per se.

The balance of the agreement is, by virtue of a new resolution to be effective March 1, 1972, directed toward the number of one-way, circle or round-trip fares allocated at a 75-percent reduction to cargo sales agents for market familiarization purposes. The current resolution governing reduced-fare concessions permits each IATA-approved agency location to receive two tickets annually. Under the new proposal, each carrier may not accept more than two reduced-fare tickets from each agency registered in each country for a calendar year. While it appears that a change in the base for fare concessions is necessitated by changes in agent registration provisions which are encompassed in resolutions governing cargo sales agency agreements in general, it would also appear that the actual effect of this change would be to materially lessen the number of reduced-fare tickets for cargo sales agents which previously registered a large number of sales locations within a given country; conversely, an agent with a relatively smaller number of sales locations in a specific country would, by registrations only by country, be placed on a par with larger agents with respect to reduced-fare concessions. The policy of the Board in this area has been to permit this genre of fares to the extent a program governing such fares effectively relates to a purpose of increasing sales and market knowledgeability. In light of this policy, the net effect of this change in the number of reduced-rate tickets is sufficiently unclear so as to necessitate a deferral of action pending receipt of comments from interested persons or parties, including the air carriers.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

(1) It is found that insofar as they apply in air transportation as defined by the Act, it would be in the public interest to defer action pending the receipt of comments within a 30-day period from interested persons or parties to the following resolutions, which are incorporated in Agreement CAB 22529, R-1:

| | |
|---------------------|----------------------|
| IATA Resolutions: | |
| 100(Mail 874) 203c | JT23(Mail 277) 203c |
| 200(Mail 103) 203c | JT31(Mail 201) 203c |
| 300(Mail 357) 203c | JT123(Mail 608) 203c |
| JT12(Mail 772) 203c | |

(2) To the extent that they would apply in air transportation as defined by the Act, it is found, on a tentative basis, that the following resolutions, which are incorporated in Agreement CAB 22529 as indicated, are adverse to the public interest and in violation of the Act:

| Agreement CAB | IATA Resolutions |
|---------------|-------------------|
| 22529: | |
| R-2----- | 100(Mail 874) 811 |
| | 200(Mail 103) 811 |
| | 300(Mail 357) 811 |
| R-3----- | 100(Mail 874) 821 |
| | 200(Mail 103) 821 |
| | 300(Mail 357) 821 |

Accordingly, it is ordered, That:

1. Action on Agreement CAB 22529, R-1, be and hereby is deferred pending the receipt, within 30 days from the date of service of this order, of statements in writing from any air carrier party to the agreement, or any interested person, together with supporting data in support of or in opposition to the agreement;¹

2. Action on Agreement CAB 22529, R-2 and R-3, insofar as it would apply in air transportation, be and hereby is deferred for a period of 10 days from the date of service of this order, with a view toward eventual disapproval; and

3. Except as indicated in ordering paragraph 2 above, jurisdiction is disclaimed with respect to Agreement CAB 22529, R-2 and R-3.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action in ordering paragraphs 2 and 3 herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-15088 Filed 10-14-71;8:51 am]

[Docket No. 23982; Order 71-10-38]

SHULMAN AIR FREIGHT AND WTC AIR FREIGHT

Order Deferring Action and Requesting Comments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of October 1971.

¹An original and 19 copies of the statements should be filed with the Board's docket section.

Shulman, Inc., doing business as Shulman Air Freight (Shulman) and WTC Air Freight (WTC) filed with the Board a joint loading agreement dated May 15, 1970, whereby the parties agree to pool their freight at New York, N.Y., for the purpose of purchasing direct air transportation on a charter basis. Section 4 of the agreement provides, "Nothing in this agreement shall be construed to prevent the participation of any other authorized air freight forwarder in joint loading with either Shulman or WTC, or both, on an equal basis."¹

By letter dated July 26, 1971, Airborne Freight Corp. (Airborne) advised the Board that it seeks to become an equal party to this joint-load agreement but that Shulman, who is the master biller and signator on the charter agreements, has indicated its intention to prevent Airborne from becoming a party. Airborne calculates that Shulman and WTC enjoy an underlying direct carrier cost basis of approximately 30-40 percent below that which Airborne can achieve through utilizing single-container common-carriage rates, and states that Airborne must become rate and cost competitive or it will be forced into a minor role in developing freight between major markets. Airborne acknowledges that the charter operation may have been running at or near full capacity for the past year and a half, but states that the agreement was initiated in apparent cognizance of the Board's policy regarding joint-loading whereby all such agreements must be open to all air freight forwarders who wish to participate.

In a letter to the president of Airborne, a copy of which was received by the Board's staff on August 9, 1971, Shulman contests the Airborne assertion that both the agreement's terms and the Board's policy require the entry of any forwarder at any time; and it alleges that Airborne's participation will cause the whole agreement to disintegrate. In addition, Shulman cites numerous factual matters which allegedly are necessary for smooth joint operations under the agreement, and concludes in any event that Airborne, having stood by while Shulman and WTC incurred the costs and problems of developing the agreement, should

not now be allowed to enter at its choosing.

WTC, in a letter to the Director, Bureau of Operating Rights, dated August 10, 1971, points out that the "closed end" nature of the joint-load charter significantly differentiates it from those joint-load agreements not involving charters which the Board has required to be open to all forwarders. In other words, since there is only the fixed capacity of the one aircraft which is chartered, to require that other forwarders participate would deny the full space to the chartering forwarders and thus diminish, or remove, the economies the operation was designed to achieve.

Airborne has filed a telegraphic reply to the letters of Shulman and WTC.

As the parties have recognized, the matter of joint-load forwarder charters, including the instant agreement, is the subject of broad scope consideration in the rulemaking proceeding underway in Docket 23287. We do not propose to duplicate that proceeding here. However, we are faced with a present controversy. Therefore, as explained below, we shall proceed to consider the Airborne-Shulman/WTC controversy on an ad hoc basis, without in any way having such consideration prejudice the outcome of the proceeding in Docket 23287.

In approving previous joint loading agreements between air freight forwarders, the Board has required that such agreements "be open to any air freight forwarder who desires to become a party to such agreement." See, e.g., Orders E-17369, August 28, 1961, and E-22640, September 10, 1965. Furthermore, the Board has previously rejected a contention that a forwarder participant in a joint loading agreement "has the right to exclude the participation of any other air freight forwarder" unless such an anticompetitive device can be justified by a clear showing that it is required by a serious transportation need, or in order to secure important public benefits. Shulman and WTC, Order E-16367, February 14, 1961, p. 3. Thus, the instant controversy would seem to be subject to the Board's previously stated views regarding the lack of "open-ended" provisions in joint loading arrangements.

However, it is not certain that this condition has been intended to, or must of necessity, apply to all forwarders and all joint loading agreements. In this regard, WTC notes that joint load charter arrangements differ from the historically more common joint-load-on-scheduled service arrangements, since the former involve a limited number of aircraft (viz., the single aircraft chartered by the parties). As to such arrangements, it contends that if the parties to the agreement are by themselves utilizing the entire space (or weight) of the chartered aircraft and do not have enough tonnage to fill a second, then a forwarder seeking to enter the existing arrangement can only do so by preempting the space of the existing parties. In such circumstances, somebody's traffic must be left behind. The question then raised is

an equitable one—whose traffic does not get moved, that of the newcomer to the arrangement, or that of the existing parties?

To answer these questions, and those raised by Shulman and WTC, we need to know a great deal more than the present exchange of correspondence divulges on the issue of whether such arrangements should be closed or open-ended as to the participation of other forwarders. What will be the effect on Airborne and others if excluded from this agreement in terms of their ability to compete and the rates they would charge? Would participation by other forwarders increase the costs of the joint loading operation incurred by WTC and Shulman; if so how, and if so, what conditions of participation could be established to ameliorate such? Presuming, as we have done in the past, that such (closed-end) arrangements are inherently anticompetitive, what transportation or other public benefits are created which overcome the anticompetitive defects? What alternatives are available to Airborne and others instead of participation in this particular Agreement? What workable arrangement could be effected if the Board were to require the participation in this agreement of Airborne and others? What interpretation should we give to the present language of the agreement as to whether it requires the participation of others? And, finally, would the instant arrangement constitute a violation of the antitrust laws if, assuming Board approval, it had no section 414 antitrust immunity?

Specifically as to Shulman and WTC, what are the bases for the assertions that Airborne's participation will wreck the agreement? What are the bases for the financial loss estimates of \$700,000? How much traffic do WTC and Shulman tender the chartering air carrier in relationship to the aircraft's capacity? How often does the aircraft depart underutilized, and how often must it leave traffic behind? What happens to traffic left behind?

The parties are directed to provide such information, and other data and information which they deem relevant as pertaining to the limited issue of open-end or closed-end joint loading agreements. The Board will continue to defer action on Agreement CAB 21800 pending the receipt and analysis of such information.

Accordingly, it is ordered, That:

1. Action on Agreement CAB 21800 be and it hereby is deferred further;
2. WTC, Shulman, and Airborne shall within 21 days file the above-requested information with the Board's Docket Section; any replies thereto shall be filed within 14 days thereafter;
3. Any other person may file comments, pursuant to filing dates provided in paragraph 2, supra, limited to the issues raised by Airborne, WTC, and Shulman;
4. A copy of the documents filed in accordance with paragraphs 2 and 3, supra, shall be served on Airborne, WTC,

¹Related agreements were filed between Airlift and Shulman pursuant to which Airlift charters a DC-8-63F aircraft to Shulman to operate from New York to Los Angeles 5 days a week for a 2-year period beginning April 1, 1970; the cargo was to be that of Shulman and WTC. As a result of objections raised by Flying Tiger and various answers filed thereto, the Board deferred action on the Shulman/WTC agreement as well as on the Shulman-Airlift agreement, concomitantly issuing advanced notice of proposed rulemaking seeking comments, inter alia, on whether air freight forwarders should be allowed to charter aircraft on a regular basis. This rulemaking proceeding is still in process and the effect of the Board's deferral was to allow the charter and joint loading arrangements to continue since there is no prior approval requirement under section 412 of the Act. (See EDR-198, dated April 14, 1971.)

and Shulman: *Provided*, That reply comments shall also be served on any other person who filed initial comments;

5. This order shall be served on WTC, Shulman, and Airborne; the Air Freight Forwarders Association; and the Departments of Justice and Transportation; and

6. This proceeding shall be assigned Docket 23892.

This order shall be published in the *FEDERAL REGISTER*.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-15089 Filed 10-14-71;8:51 am]

FEDERAL RESERVE SYSTEM

CENTRAL AND STATE NATIONAL CORPORATION OF ALABAMA

Order Approving Action To Become a Bank Holding Company

In the matter of the application of Central and State National Corporation of Alabama, Birmingham, Ala., for approval of action to become bank holding company through the acquisition of 80 percent or more of the voting shares of Central Bank and Trust Co., Birmingham, Ala., and State National Bank of Alabama, Decatur, Ala.

There has come before the Board of Governors, pursuant to section 3(a) (1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3 (a)), an application by Central and State National Corporation of Alabama, Birmingham, Ala., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of Central Bank and Trust Co., Birmingham, Ala., and State National Bank of Alabama, Decatur, Ala.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and to the Superintendent of Banks for the State of Alabama and requested their views and recommendations. The Comptroller recommended approval; the Superintendent replied that his department did not wish to express views or recommendations regarding the subject application, although it found no apparent violation of the banking laws of the State.

Notice of receipt of the application was published in the *FEDERAL REGISTER* on February 11, 1971 (36 FR. 2881), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. In response to several requests, the Board permitted an oral presentation order to be published in the *FEDERAL REGISTER* on April 10, 1971 (36 FR. 6923). All persons desiring to give testimony, present evidence or otherwise participate in the presentation held in Birmingham, Ala.,

on May 13, 1971, were permitted to do so. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received, the entire record of the presentation, including the transcript, exhibits, exceptions, rulings, all briefs and memoranda filed in connection with the oral presentation and this proposal have been considered by the Board.

It is hereby ordered, On the basis of the record, that said application be and hereby is approved for the reasons set forth in the Board's Statement¹ of this date: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,²
October 7, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15030 Filed 10-14-71;8:46 am]

MERCHANTS NATIONAL CORP.

Formation of One-Bank Holding Company

Merchants National Corp., Indianapolis, Ind., has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842 (a) (1)) of action whereby applicant would become a bank holding company through acquisition of 100 percent of the voting shares of the successor by merger to Merchants National Bank & Trust Company of Indianapolis, Indianapolis, Ind.

The application may be inspected at the Federal Reserve Bank of Chicago.

Section 3(c) of the Act requires that the Board consider the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the bank concerned, and the convenience and needs of the communities to be served.

Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than November 1, 1971.

Pursuant to § 222.3(b) of Regulation Y, this application shall be deemed to be approved on November 15, 1971, unless the applicant is notified to the

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta. Dissenting Statement of Governors Robertson, Malsel, and Brimmer filed as part of the original document and available upon request.

² Voting for this action: Chairman Burns and Governors Mitchell, Daane, and Sherrill. Voting against this action: Governors Robertson, Malsel, and Brimmer.

contrary before that time, or is granted approval at an earlier date.

Board of Governors of the Federal Reserve System, October 7, 1971.

TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15085 Filed 10-14-71;8:40 am]

SECURITIES AND EXCHANGE COMMISSION

[811-1860]

CHELSEA FUND, INC.

Notice of Filing of Application Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 6, 1971.

Notice is hereby given that Chelsea Fund, Inc. (Applicant), c/o Strock & Strock & Lavan, 61 Broadway, New York, NY 10006, an open-end, diversified management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized under the laws of the State of Delaware on May 1, 1969, and filed a notification of registration with the Commission pursuant to section 8(a) of the Act on May 6, 1969.

Applicant has determined that as a result of market conditions and other factors it does not desire to proceed at this time with the establishment of a mutual fund of the nature of the Applicant. No securities of the Applicant have been issued, no monies have been received by the Applicant and the Applicant has engaged in no business activities.

Notice is further given that any interested person may not later than October 27, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations

promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.71-15067 Filed 10-14-71;8:49 am]

[70-5091]

DELMARVA POWER AND LIGHT CO.

Notice of Proposed Issue and Sale of Principal Amount of First Mortgage and Collateral Trust Bonds at Competitive Bidding

OCTOBER 6, 1971.

Notice is hereby given that Delmarva Power & Light Co. (Delmarva), 600 Market Street, Wilmington, DE 19899, a registered holding company and a public-utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Delmarva proposed to issue and sell, subject to the competitive bidding requirements of Rule 50, \$35 million principal amount of First Mortgage and Collateral Trust Bonds, — percent Series due December 1, 2001. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price to be paid to Delmarva, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) for the bonds will be determined by the competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust, dated October 1, 1943, between Delmarva and the Chemical Bank New York Trust Co., Trustee, as heretofore supplemented and as to be further supplemented by a Forty-first Supplemental Indenture to be dated December 1, 1971, which includes a prohibition until December 1, 1976, against refunding the issue with the proceeds of funds borrowed at a lower annual cost of money.

Delmarva will apply the proceeds from the sale of bonds toward the cost of its own construction program and that of its two subsidiary companies including the retirement of short-term notes and commercial paper issued prior to such sale. The cost of the system construction

program for the last 4 months of 1971 and for 1972 is estimated at \$170,983,000.

It is represented that the issuance of the bonds is subject to the approval of The Public Service Commission of Delaware and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees and expenses to be incurred by Delmarva in connection with the sale of the bonds will be supplied by amendment.

Notice is further given that any interested person may, not later than November 2, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.71-15068 Filed 10-14-71;8:49 am]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

OCTOBER 7, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 8, 1971, through October 17, 1971.

By the Commission.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.71-15033 Filed 10-14-71;8:46 am]

[812-2437]

FIRST INVESTORS CORP.

Notice of Application

OCTOBER 7, 1971.

Notice is hereby given that First Investors Corp. (Applicant), 120 Wall Street, New York, NY 10005, as Sponsor of First Investors Corp. Plans for the Accumulation of Wellington Fund, Inc. Shares (Wellington Trust) and of First Investors Single Payment and Periodic Payment Plans for Investment in First Investors Fund for Growth, Inc. (First Investors Trust), both registered under the Investment Company Act of 1940 (Act) as unit investment trusts, has filed an application for an order (1) pursuant to sections 11(a) and 11(c) of the Act permitting an offer to exchange Wellington Trust Plans for First Investors Trust Plans, and (2) pursuant to section 6(c) of the Act granting exemption from sections 22(d), 27(d), and 27(f) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The underlying investment medium of Wellington Trust is Wellington Fund, Inc. (Wellington Fund) a Delaware corporation registered under the Act as an open-end diversified management investment company. The objectives of Wellington Fund are conservation of principal, reasonable income return and profits without undue risk. Wellington Fund seeks to achieve its objectives through a balanced and diversified program of investing in bonds, preferred stocks and common stocks. The investment manager of Wellington Fund is Wellington Management Company (Wellington Management), Applicant is unaffiliated with Wellington Management.

The underlying investment medium of First Investors Trust is First Investors Fund for Growth, Inc. (First Investors Fund) which is also registered under the Act as an open-end diversified management investment company. The primary investment objective of First Investors Fund is capital growth. The investment manager of First Investors Fund is First Investors Management Co., Inc. (First Investors Management). Applicant is affiliated with First Investors Management.

Both Wellington Trust and First Investors Trust offer Periodic Payment

plan programs (Wellington Trust Plans and First Investors Trust Plans, respectively) which provide for regular monthly investments for periods of 10 or 15 years.

Applicant proposes to make available to holders of uncompleted Wellington Trust Plans the opportunity to exchange such Plans for First Investors Trust Plans requiring the same number of payments for completion as would be required to complete such Wellington Trust Plans. The First Investors Trust Plans schedule of sales loads will be applied to such payments rather than the Wellington Trust Plans schedule. A service charge of \$5 per exchange will also be imposed in order to defray the cost of bookkeeping services.

A Wellington Trust Planholder who elects to exchange his Plan for a First Investors Trust Plan ("Exchanging Planholder") will be required to withdraw his underlying Wellington Fund shares which may either be kept or exchanged for shares of First Investors Fund or shares of W. L. Morgan Growth Fund (Morgan Fund) or Windsor Fund, Inc. (Windsor Fund). Morgan Fund seeks long term growth of capital with dividend income only being incidental. Windsor Fund seeks long term growth of capital and income with a secondary objective of current income. Shares of Wellington Fund are already exchangeable without any sales load for shares of Morgan Fund and Windsor Fund which are also managed by Wellington Management.

First Investors Fund for its fiscal year ended December 31, 1970, paid a net management fee to First Investors Management of \$252,217 on average net assets of \$36,384,920 or an effective rate of 0.69 of 1 percent of such assets. Wellington Fund, Windsor Fund and Morgan Fund for their fiscal years ended November 30, October 31 and December 31, 1970, respectively, paid net management fees to Wellington Management and its subsidiaries of \$3,276,911, \$1,636,121 and \$128,704 on average net assets of \$1,290,124,000, \$330,229,000 and \$31,755,000 or effective rates of 0.25 of 1 percent, 0.50 of 1 percent and 0.41 of 1 percent of such assets, respectively.

A new custodial account will be created for each Exchanging Planholder under which he will have the same interests, rights, and privileges and be subject to the same restrictions and charges as applied to his custodial account under Wellington Trust Plans. First Pennsylvania Banking and Trust Company of Philadelphia is the Custodian of Wellington Trust Plans and First Investors Trust Plans and its charges in connection with both such Plans are identical.

Under the terms of Wellington Trust Plans, sales load deductions are made at the "front-end" load rate from the first 12 periodic payments or their equivalent. Under the terms of the First Investors Trust Plans, sales load deductions are made at the "front-end" load rate from the first 13 periodic payments or their equivalent since the first payment is required to be a double payment. These monthly "front-end" sales load deduc-

tions under any particular level of payment do not vary from month to month and under comparable 10- and 15-year Wellington Trust Plans and 10- and 15-year First Investors Plans they are identical in amount.

Subsequent monthly sales load deductions applicable to comparable Wellington Trust Plans and First Investors Trust Plans are not equal in amount. Under 10-year Wellington Plans such subsequent monthly sales loads are lower than subsequent monthly sales loads under comparable First Investors Trust Plans at the \$50, \$75, \$100, \$125, \$150, \$175, \$200, \$225, \$250, \$300, \$350, \$400, \$425, \$500, and \$750 monthly payment levels and higher at the \$20, \$25, \$30, \$40, and \$1,000 monthly payment levels. Under 15-year Wellington Trust Plans such subsequent monthly sales load deductions are lower than subsequent monthly sales load deductions applicable to comparable 15-year First Investors Trust Plans at the \$50, \$75, \$100, \$125, \$150, \$167, \$175, \$200, \$225, \$250, \$500, and \$1,000 monthly payment levels and higher at the \$20, \$25, \$30, \$40, \$300, \$350, \$400, and \$750 monthly payment levels. At present First Investors Trust does not offer either \$10 or \$15 monthly payment plans, and therefore no sales load structure exists for such plans. However, in order to accommodate Wellington Trust Planholders who participate in \$10 and \$15 payment plans, First Investors Trust will offer such plans to Wellington Trust Planholders at the same sales load rate applicable to such Wellington Trust Plans.

Applicant will notify Wellington Trust Planholders of the offer of exchange by means of a letter. Planholders who are interested in the exchange will be asked to complete and return to Applicant an enclosed Reply Card. Upon receipt of the returned Reply Cards which indicate an interest in the exchange, Applicant will mail to interested Wellington Trust Planholders a followup letter, a First Investors Fund prospectus, a First Investors Trust prospectus, and a Wellington Trust prospectus for comparison purposes, a Plan Exchange Form and a First Investors Trust Plan application. A Wellington Trust Planholder, who has indicated on the reply card his interest in exchanging his Wellington Fund shares already accumulated under his Wellington Trust Plan, will also receive the prospectus of the fund in which he has indicated an interest. If he has indicated an interest in Morgan Fund or Windsor Fund he will receive a Share Exchange Form from Wellington Management.

The initial letter announcing the offer of exchange will mention the differences in sales loads, and state the objective of Wellington Fund, First Investors Fund, Morgan Fund and Windsor Fund. The initial letter will also state that if an Exchanging Planholder realizes a profit by reason of an exchange of shares, such profit is taxable under the Internal Revenue Code of 1954, as amended. The followup letter will explain the difference in sales load, mention the tax conse-

quences again, and will also contain comparisons of Net Asset Value, Income Dividends, Capital Gains Distributions and Expense Ratios for the last 5 years, where applicable, with respect to the aforementioned funds.

Applicant represents that the offer of exchange is completely voluntary and is in response to a recognized need of certain Wellington Trust Planholders for an alternative investment medium having more aggressive investment objectives than does the Wellington Fund. Applicant contends, therefore, that it is in the public interest and consistent with the protection of investors to make the exchange offer available to all existing holders of incomplete Wellington Trust Plans.

Section 11(a) of the Act provides that it is unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any offer of exchange of a security of a registered open-end company for a security of a registered unit investment trust, or to any type of offer of exchange of the securities of a registered unit investment trust for the securities of any other investment company.

Section 22(d) of the Act provides, in part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus. The proposed Offer of Exchange may be deemed to contravene this provision because under the terms of the exchange the offering price of First Investors Trust Plans will be different from that described in the current prospectus of First Investors Trust in that under the Offer of Exchange, credit for payments made under Wellington Trust Plans will be given to Wellington Trust Planholders effecting an exchange.

Applicant requests an exemption from section 22(d) pursuant to section 6(c) of the Act on the grounds that since no additional sales effort will be made by registered representatives to solicit Wellington Trust Planholders to exchange their Wellington Trust Plans for First Investors Trust Plans, the imposition of any sales load in addition to that already paid by Wellington Trust Planholders under their Wellington Trust Plans, plus that remaining to be paid on First Investors Trust Plans for which such Wellington Trust Plans are exchanged in accordance with the Offer of Exchange, would be inappropriate and inequitable.

Under sections 27(d) and 27(f) of the Act, the holder of a periodic payment

certificate is given, respectively, (1) the right to surrender the certificate at any time within the first 18 months after its issuance and receive in cash payment thereof the value of his account and an amount, from the underwriter of such certificate or the depositor of the registered investment company issuing such certificate, equal to that part of the excess paid for sales loading which is over 15 per centum of the gross payments made by the certificate holder and (2) the right, within 45 days after the mailing of notice of the charges to be deducted from the projected payments on the certificate and of his right of withdrawal, to exercise such right of withdrawal by surrendering his certificate and receiving in payment thereof, cash in an amount equal to the value of his account and an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested.

Since the number of payments made by an Exchanging Planholder on his Wellington Trust Plan will be credited against the number of payments required to be made on a First Investor Trust Plan with a resultant diminution of the sales loads to be paid by such Exchanging Planholder under such First Investors Trust Plan, Applicant contends that it would be appropriate under section 6(c) of the Act to grant an exemption from the notice and refund provisions of sections 27(d) and 27(f) provided, however, that an Exchanging Planholder have the same rights of refund with respect to a First Investors Trust Plan as he would have with respect to a Wellington Trust Plan had he retained his Wellington Trust Plan.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, no later than October 28, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time

after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-15034 Filed 10-14-71;8:46 am]

[70-5094]

GEORGIA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds

OCTOBER 8, 1971.

Notice is hereby given that Georgia Power Co. (Georgia), 270 Peachtree Street NW., Atlanta, GA 30303, an electric utility subsidiary company of the Southern Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Georgia proposes to issue and sell, subject to the competitive bidding requirements of rule 50 under the Act, \$95 million principal amount of its First Mortgage Bonds, ----- percent Series, to mature not less than 5 years and not more than 30 years from the second day of the calendar month within which the bonds are issued. Georgia will decide on the maturity of the bonds after the date of public invitation for proposals and subsequently notify prospective bidders, but not less than 72 hours prior to the time of the bidding. The interest rate (which will be a multiple of one-eighth percent) and the price, exclusive of accrued interest, to be paid to Georgia (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an indenture, dated as of March 1, 1941, between Georgia and Chemical Bank, as trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated November 1, 1971, which includes a prohibition until December 1, 1976, against refunding the bonds with the proceeds of funds borrowed at a lower annual cost of money. The proceeds from the sale of the bonds will be used to finance, in part, Georgia's 1971 construction program (estimated to

be \$363,933,000), to repay short-term notes incurred for such purposes (both bank notes and commercial paper), to retire outstanding bonds, and for other lawful purposes.

It is stated that the Georgia Public Service Commission has expressly authorized the proposed issuance and sale of the bonds by Georgia and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred in connection with the transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than November 3, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-15035 Filed 10-14-71;8:46 am]

[70-5039]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Proposed Issue and Sale of Preferred Stock

OCTOBER 8, 1971.

Notice is hereby given that Indiana & Michigan Electric Co. (I&M), 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested

persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

I&M proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 350,000 shares of its cumulative preferred stock, par value \$100 per share. The dividend rate (which shall be a multiple of \$0.04) and the price (exclusive of accrued dividends) to be paid to I&M (which shall be not less than \$100 nor more than \$102.75 per share) will be determined by the competitive bidding. The terms of the preferred stock will include a prohibition until November 1, 1976, against refunding the stock, directly or indirectly, with the proceeds of funds derived from the issuance of debt securities at a lower effective interest cost or from the issuance of other stock, which ranks prior to or on a parity with the preferred stock as to dividends or assets, at a lower effective dividend cost.

I&M will apply the proceeds from the sale of the preferred stock together with other available funds towards the payment, at maturity, of its commercial paper issued in connection with its construction program, estimated at \$60 million for the last 3 months of 1971 and for 1972, for working capital and reimbursement of its treasury for money already expended for such purposes. It is estimated that the amount of commercial paper and short-term bank notes outstanding at the time the preferred stock is issued will not exceed \$63,500,000.

The application states that the issue and sale of the preferred stock is subject to authorization by the Public Service Commission of Indiana, the State commission of the State in which I&M is organized and doing business, and by the Michigan Public Service Commission, the State commission of the State in which I&M is qualified to and is also doing business. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred by I&M in connection with the proposed issue and sale of the preferred stock will be supplied by amendment.

Notice is further given that any interested person may, not later than October 29, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing), upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law,

by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.71-15036 Filed 10-14-71;8:46 am]

[812-3033]

INVESTORS DIVERSIFIED SERVICES, INC. AND INVESTORS SYNDICATE OF AMERICA

Notice of Filing of Application

OCTOBER 7, 1971.

Notice is hereby given that Investors Diversified Services, Inc. (IDS) and its wholly owned subsidiary, Investors Syndicate of America, Inc. (ISA), 800 Investors Building, Minneapolis, Minnesota 55402 (referred to collectively with IDS as "applicants") which is registered under the Investment Company Act of 1940 (Act) as a face-amount certificate company, have filed an application pursuant to section 17(d) of the Act and Rule 17d-1 thereunder for an order pursuant to sections 17(a) and 17(d) permitting the proposed transaction described herein. All persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicants state that ISA is required to invest its assets in amounts equal to its face-amount certificate reserves and capital stock, in qualified investments. Under section 28(b) of the Act, qualified investments are defined to mean investments of a kind which life insurance companies are permitted to invest in or hold under the provisions of the Code of the District of Columbia and such other investments as the Commission shall by rule, regulation or order authorize as qualified investments.

The Commission on February 9, 1960, issued an order (Investment Company Act Release No. 2973) which authorized, as qualified investments for ISA, property improvement loans insured by the Commissioner of the Federal Housing Administration (FHA) under the provisions of Title I of the National Housing Act. Under the order, ISA limited its holdings of FHA insured property improvement loans to an amount not in excess of 15 percent of its total qualified investments.

The Commission on March 4, 1965, issued an order (Investment Company Act Release No. 4178) which authorized as qualified investments of ISA, uninsured property improvement notes (Uninsured Loans). The maximum principal amount of an uninsured loan was limited to \$5,000 per property, regardless of the number of units of which the property may be comprised. Obligors or uninsured loans were to be required to have an interest in the property of the kind prescribed by the FHA regulations for FHA insured loans. The aggregate amount of loans purchased by ISA, both FHA insured and uninsured, could not exceed 15 percent of ISA's total qualified investments, provided that not more than 5 percent of its total assets could be invested in uninsured loans.

Applicants state that from 1960 to 1967 Investors Syndicate Credit Corporation (ISCC), a then wholly owned subsidiary of ISA, generated, sold and serviced both insured and, since 1965, uninsured loans for ISA. In 1967, pursuant to a declaration of dividends in kind, ISCC became a wholly owned subsidiary of IDS (becoming IDS Credit Corp. but referred to herein as ISCC) but continued its business relationships with ISA pursuant to a Commission order (Investment Company Act Release No. 4909).

Applicants further state that prior to 1967, ISA made direct demand loans to ISCC, its then wholly owned subsidiary. The currently outstanding balance of such loans is \$9,850,000 at a floating rate of one-half of 1 percent over the prime rate (6½ percent on August 31, 1971). Applicants state that any prior demand by ISA for payment of the total amount of the note would have resulted in "severe financial stress" on ISCC.

Applicants state IDS has decided to dispose of ISCC in order to conserve capital and concentrate its efforts in less money sensitive investments. ISCC will be partially liquidated to IDS and all of the capital stock of ISCC will be sold to First Bank System, Inc. Prior to the sale of stock to First Bank System, Inc., IDS will assume or prepay certain debts of ISCC (approximately \$30 million) and receive a dividend of cash (approximately \$2 million) and certain uninsured loans and certain secured loans of ISCC (approximately \$30 million in the aggregate). The difference between debt assumed and cash and notes received will represent a return of capital to IDS. IDS and ISCC would then enter into servicing agreements whereby ISCC agrees to collect all such loans. ISCC will also agree to repurchase all delinquent uninsured loans, held by IDS, to the extent of ISCC's present reserve for losses.

Applicants state that prior to the sale of ISCC, ISA intends to purchase \$9,850,000 of uninsured loans from ISCC, which loans are calculated to yield 7½ percent, and deliver to ISCC its \$9,850,000 note in payment therefor. All such uninsured loans sold to ISA will have an original term of not more

than 60 months with original proceeds of not more than \$5,000. No account will be transferred to ISA that is more than one monthly payment past due. Such uninsured loans will constitute qualified investments of ISA. As of August 31, 1971, ISA held an approximate investment of \$44 million in FHA insured loans and an approximate investment of \$1,900,000 in uninsured loans. All uninsured loans held by ISA will be serviced under contracts with ISCC. All such uninsured loans held by ISA or IDS that shall prove to be uncollectible will be repurchased by ISCC to the extent of the existing loss reserve held by ISCC on the date of closing. At August 31, 1971, the consolidated loss reserve maintained by ISCC was \$2,250,615, of which \$1,439,963 was available for uninsured loans. Following the sale by IDS, ISCC's obligation to repurchase uncollectible uninsured loans will be limited to the loss reserve at the time of the sale by IDS. The aggregate amount of uninsured loans purchased by ISA to June 30, 1971 was \$24,891,374. On said date there had been a total liquidation of \$22,375,887 of such loans, leaving a balance of \$2,515,487. The aggregate face amount of such loans repurchased (and applied against the loss reserve at investment amount) by ISCC to such date was \$539,873 or 2.41 percent of total liquidations. To the extent that the loss reserve proves insufficient to cover any such uncollectible uninsured loans in the future, IDS will give ISA its written agreement that should the loss reserve of ISCC not be sufficient for ISCC to fulfill its contract with ISA for full recourse on any of the uninsured loans that prove uncollectible, IDS will provide full recourse on such loans on the same terms as are specified in ISA's contract with ISCC.

Applicants state that the effect of the partial liquidation of ISCC on ISA is to provide to ISA \$9,850,000 of qualified investments (the \$9,850,000 demand note is carried by ISA as a nonqualified asset). ISA would start to recover its principal because the uninsured loans are seasoned receivables that have an average liquidation term of not more than 30 months. The effective interest rate will be increased to 7½ percent.

Applicants submit that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned. The investment by ISA in uninsured loans has been a policy of ISA for a number of years and is consistent with the policy of ISA as recited in its registration statement and reports filed under the Act. Such investments by ISA have been permitted by various previous orders of the Commission as herein described. The transactions are appropriate in the public interest and are consistent with the protection of the investors and the general purposes of the Act.

Applicants further state and consent that: ISA shall purchase only property improvement loans which have been au-

thorized as qualified investments as set forth in Securities and Exchange Commission Orders dated February 9, 1960 and March 4, 1965, Investment Company Act Release Nos. 2973 and 4178 as amended by Investment Company Act Release No. 6170 dated August 25, 1970, which applicants request be extended to cover the above transaction.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling to such registered company any securities unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) if evidence establishes that the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned. In addition, the proposed transaction must be consistent with the policy of the registered investment company concerned and with the general purposes of the Act. Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide among other things, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by an order of the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. A joint enterprise or arrangement, as used in Rule 17d-1 is defined as a written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of such person have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking.

Section 6(c) permits the Commission, upon application to exempt a transaction or transactions from any provision of the Act if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provision of the Act.

Notice is further given that any interested person may, not later than October 27, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his in-

terest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.71-15037 Filed 10-14-71;8:47 am]

[70-4966]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

Notice of Posteffective Amendment Regarding Issue and Sale of Notes

OCTOBER 8, 1971.

Notice is hereby given that a posteffective amendment to the application-declaration in this proceeding has been filed with this Commission pursuant to sections 6(a), 7, 9(a), 10, and 12(c) of the Public Utility Holding Company Act of 1935 (Act) and rule 42 promulgated thereunder by New England Electric System (NEES), 20 Turnpike Road, Westborough, MA 01581, a registered holding company, and certain of its subsidiary companies, namely, Central Massachusetts Gas Co. (Central), Massachusetts Electric Co. (Mass Electric), Massachusetts Gas System (Mass Gas), Mystic Valley Gas Co. (Mystic Valley), and North Shore Gas Co. (North Shore). All interested persons are referred to the application-declaration, as now amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated February 22, 1971 (Holding Company Act Release No. 17008), the Commission authorized various transactions including the issue and sale of notes by subsidiary companies through December 31, 1971, to banks and/or NEES or Mass Gas and the re-

tirement of outstanding notes. Certain of the borrowing companies now propose to increase the amounts of the authorized borrowings by an aggregate of \$4,040,000 to the following amounts:

| Borrowing company | To banks or NEES | To banks or mass gas |
|--------------------|------------------|----------------------|
| Central..... | \$27,000,000 | \$3,000,000 |
| Mass Electric..... | \$1,000,000 | |
| | \$400,000 | |
| | \$500,000 | |
| | \$500,000 | |
| | \$600,000 | |
| Mystic Valley..... | | \$19,500,000 |
| North Shore..... | | \$8,000,000 |

¹ First National City Bank, New York, N.Y.

² The First National Bank of Boston, Mass.

³ Worcester County National Bank, Worcester, Mass.

⁴ Guaranty Bank & Trust Co., Worcester, Mass.

⁵ The Mechanics National Bank, Worcester, Mass.

⁶ South Shore National Bank, Quincy, Mass.

⁷ Middlesex Bank, N.A., Everett, Mass.

The respective increases in borrowings are as follows: Central, from \$2,910,000 to \$3 million; Mass Electric, from \$28 million to \$30 million; Mystic Valley, from \$17,775,000 to \$19,500,000; and North Shore, from \$7,775,000 to \$8 million.

In all other respects, the transactions remain unchanged. There will be no additional fees or expenses incurred. No State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 28, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.71-15038 Filed 10-14-71;8:47 am]

[812-2987]

SCRIPPS-HOWARD INVESTMENT CO.

Notice of Filing of Application

OCTOBER 8, 1971.

Notice is hereby given that Scripps-Howard Investment Co. (Fund), 1100 Central Trust Tower, Cincinnati, Ohio 45202, a closed-end, non-diversified, management investment company registered under the Investment Company Act of 1940, as amended (Act), has filed an application pursuant to section 17(b) of the Act for an order exempting from section 17(a) (2) of the Act the sale by Fund of shares of the Pittsburgh Press Co. (Pittsburgh), a Pennsylvania corporation, shares of the Fort Worth Press Co. (Fort Worth), a Texas corporation, to E. W. Scripps Co. (Scripps), an Ohio corporation. All interested persons are referred to the application on file with the Commission for a statement of representations made therein, which are summarized below.

Scripps owns 9.24 percent of the outstanding voting securities of the Fund and, therefore, Fund and Scripps may be deemed affiliated persons of each other.

The Fund holds 29,800 Common Voting Shares of Pittsburgh or 29.80 percent of that class of security and 44,000 Class A common shares of Pittsburgh, aggregating approximately 18.60 percent of the outstanding common stock of Pittsburgh. Additionally, the Fund holds 7,225 preferred shares of Pittsburgh, \$100 par value, paying an annual dividend of \$6 per share. Scripps owns approximately 77.49 percent of the outstanding common stock of Pittsburgh, including 70.20 percent of the outstanding voting stock thereof.

The Fund holds 2,522 of the Class A common stock of Fort Worth, or approximately 2.52 percent of the outstanding shares of such class. Scripps owns approximately 97.48 percent of the outstanding stock of Fort Worth, including 100 percent of the voting stock thereof.

Scripps has offered to purchase from Fund 9,800 common voting shares of Pittsburgh and 5,700 Class A common shares of Pittsburgh, at a price of \$75 per share, and all 2,522 shares of the Class A common stock of Fort Worth held by Fund, for a purchase price of \$1 per share.

Scripps has advised the Fund that upon consummation of the proposed acquisition of Pittsburgh stock, Scripps would be in a position to file a consolidated Federal Income Tax return including the results of the operations of Pittsburgh and to exclude from Federal Income Taxation 100 percent of the dividends it receives from Pittsburgh.

Fund represents that the price of \$75 per share to be paid by Scripps for the 15,500 shares of Pittsburgh held by the Fund is equal to the value determined to be the fair market value of such shares by the directors of the Fund as of December 31, 1970.

Fund represents that the Fort Worth stock is nearly valueless and has been carried at an aggregate value of \$1 per share. The sale of the Fort Worth stock would give rise to a long-term loss which could be offset against Fund's realized gains including the gain to be realized on the sale of the Pittsburgh stock.

The Fund contends that the proposed transactions will not violate its policy of concentrating its investments in Scripps newspapers and allied enterprises.

Section 17(a) (2) of the Act provides, in pertinent part, that it shall be unlawful for any affiliated person or promoter of a registered investment company knowingly to purchase from such registered company any security or other property (except securities of which the seller is the issuer). Section 17(b) of the Act provides that notwithstanding subsection 17(a), any person may file with the Commission an application for an order exempting a proposed transaction from one or more provisions of that subsection, and the Commission shall grant such application and issue such order of exemption if evidence establishes that:

(1) The terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) The proposed transaction is consistent with the policy of each registered investment company concerned as recited in its registration statement and reports filed under the Act; and

(3) The proposed transaction is consistent with the general purposes of the Act.

Fund asserts that the proposed transaction is (i) fair and reasonable, (ii) consistent with the policies of the Fund, and (iii) consistent with the general provisions of the Act.

Notice is further given that any interested person may not later than October 28, 1971, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule

0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.71-15039 Filed 10-14-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Notice 82]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

OCTOBER 8, 1971.

The following applications are governed by Special Rule 1100.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no rep-

resentative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

Special notice: The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 200 (Sub-No. 249), filed September 13, 1971. Applicant: RISS IN-MOODY, 12th Floor, Temple Building, 903 Grand Street, Kansas City, MO 64142. Applicant's representative: Ivan E. Moody, 12th Floor, Temple Building, 903 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, live poultry, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Kings Island Amusement Park at or near Kings Mill, Ohio, as an off-route point in connection with applicant's regular route authority to and from Cincinnati, Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, Columbus, Ohio, or Kansas City, Mo.

No. MC 720 (Sub-No. 9), filed August 18, 1971. Applicant: BIRD TRUCKING COMPANY, INC., Fond du Lac Street, Waupun, WI 53703. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food preparations and foodstuffs* (except in bulk, in tank vehicles) from Champaign, Ill., to points in Indiana, Minnesota, Wisconsin, and upper peninsula of Michigan. **NOTE:** Common control may be involved. Applicant states that the re-

quested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Madison or Milwaukee, Wis.

No. MC 1035 (Sub-No. 3), filed August 18, 1971. Applicant: JOHN W. CHANDLEY, doing business as CHANDLEY CARTAGE CO., 125 North McKinley Street, Henderson, KY 42420. Applicant's representative: McChesney and Klinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and commodities requiring special equipment, serving points in Henderson, McLean, and Webster Counties, Ky., except Geneva and Henderson and points in terminal area of Geneva and the commercial zone of Henderson as respectively defined by the Interstate Commerce Commission as intermediate or off-route points in connection with presently authorized regular-route operations between Henderson, Ky., and Evansville, Ind., over U.S. Highway 41. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind., or Louisville, Ky.

No. MC 2280 (Sub-No. 3), filed August 17, 1971. Applicant: SMITH'S TRANSFER & STORAGE COMPANY, INCORPORATED, Post Office Box 9271, Alexandria, VA 22304. Applicant's representative: Robert M. Kaske, 2017 Wisteria Road, Rockford, IL 61107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Delaware, Maryland, Virginia, and the District of Columbia, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 2368 (Sub-No. 30), filed September 13, 1971. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2210 Deepwater Terminal Road, Post Office Box 495, Richmond, VA 23204. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Suite 705, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinhouse byproducts*, in bulk (except chemicals and animal oils), from Smithfield, Va., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2860 (Sub-No. 104), filed September 1, 1971. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between points in Allegheny County, Pa., on the one hand, and, on the other, points in New York (except New York, N.Y., and its commercial zone). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 3854 (Sub-No. 16), filed August 30, 1971. Applicant: BURTON LINES, INC., Post Office Box 11306, East Durham Station, Durham, NC 27703. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insecticides, pesticides, fungicides, and herbicides*, in containers, and (2) *fertilizer and fertilizer materials*, in containers, when moving in mixed loads with commodities in (1) above; (a) from Greensboro, N.C., to points in Virginia, West Virginia, Tennessee, and South Carolina; (b) from Knoxville and Johnson City, Tenn., to points in North Carolina and Kentucky, and points in Virginia in and west of Tazewell and Smyth Counties, Va., and (c) from Belle, W. Va., to points in North Carolina. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 118864 and Sub-No. 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Greensboro, N.C., or Washington, D.C.

No. MC 5267 (Sub-No. 18), filed September 5, 1971. Applicant: ATWOOD TRUCK LINE, INC., 5440 Colorado Boulevard, Commerce City, CO 80022. Applicant's representative: Leslie R. Kahl, Suite 420, Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and cement products*, from Boettcher, Colo., to points in Kansas, Nebraska, and Wyoming. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 6078 (Sub-No. 69), filed August 24, 1971. Applicant: D. F. BAST, INC., 1425 North Maxwell Street, also Post Office Box 2288, Allentown, PA 18001. Applicant's representative: Bert Collins, 140 Cedar Street, New York,

NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antipollution systems, equipment, and parts, liquid cooling and vapor condensing systems, equipment and parts*; and (2) *equipment, materials and supplies* (except in bulk), used in the construction or installation of antipollution and environmental control and protective systems, and liquid cooling and vapor condensing systems, between points in Minnesota, Iowa, Missouri, Arkansas, and Louisiana; and points in the United States east thereof, on the one hand, and, on the other, points in the United States (except Hawaii and Alaska). Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 14702 (Sub-No. 37), filed August 18, 1971. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, OH 44482. Applicant's representative: Keith F. Henley, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sheet*, between Listerhill and Sheffield, Ala., on the one hand, and, on the other, Massillon, Ohio. Note: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has not present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 17745 (Sub-No. 7), filed September 14, 1971. Applicant: CONTRACTOR'S CARGO COMPANY, a corporation, 11100 South Garfield Avenue, South Gate, CA 90280. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rocks, stones, sand, and gravel*, from Wahweap Creek near Glen Canyon City, Utah, to the Navajo Generating Station near Page, Ariz., and along the right-of-way of track of the Black Mesa and Lake Powell Railroad extending from the Navajo Generating Station near Page, Ariz., to Kayenta, Ariz., under contract with Salt River Project. Note: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Phoenix, Ariz.

No. MC 23618 (Sub-No. 16), filed August 19, 1971. Applicant: McALISTER TRUCKING COMPANY, a corporation, Post Office Box 2377, Abilene, TX 79604. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort

Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, (1) between points in Kansas, Louisiana, New Mexico, Oklahoma, and Texas; (2) between points in Kansas, Louisiana, New Mexico, Oklahoma, and Texas, on the one hand, and, on the other, points in Arizona, Colorado, Utah, and Wyoming; and (3) between points in Texas, on the one hand, and, on the other, points in Montana. Note: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex., or Oklahoma City, Okla.

No. MC 25798 (Sub-No. 227), filed September 9, 1971. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mattoon, Ill., to points in Florida, Georgia, Colorado, New Mexico, Oklahoma, and Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Tampa, Fla.

No. MC 28517 (Sub-No. 7) (Correction), filed August 9, 1971, published in the FEDERAL REGISTER issue of October 7, 1971, and republished as corrected this issue. Applicant: FARNY TRUCK SERVICE, INC., 1605 Northwest Pettygrove Street, Portland, OR 97201. Applicant's representative: Jerry R. Woods, 726 Blue Cross Building, 100 Southwest Market Street, Portland, OR 97201. Note: The purpose of this partial republication is to reflect the Docket No. MC 28517 (Sub-No. 7) in lieu of MC 28517 (Sub-No. 9) as erroneously shown in the previous publication. The rest of the application remains as previously published.

No. MC 29120 (Sub-No. 129), filed August 18, 1971. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, SD 57101. Applicant's representative: Mead Bailey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other loading), between Kansas City and St. Joseph, Mo., from Kansas City over Interstate Highway 29 to St. Joseph and return over the same route, serving no intermediate points, and restricted against local service between Kansas City and St. Joseph and their respective commercial zones, as an alternate route in

connection with applicant's authorized regular route operations. Limitation: This authority shall terminate concurrently with the termination of All-American Transport, Inc.'s authority to lease and operate pursuant to proceedings in No. MC-F-10950. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 29910 (Sub-No. 105), filed September 9, 1971. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th, Fort Smith, AR 72901. Applicant's representative: Thomas Harper, Kelley Building, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, building board, fibreboard and pulpboard*, from the plant-site and warehouse facilities of the Johns Manville Corp., at Natchez, Miss., to points in Missouri. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 31242 (Sub-No. 3), filed September 8, 1971. Applicant: MRS. BERNICE GIBE, doing business as J. D. SHAFFER CARTAGE COMPANY, 481 West Monroe Street, Elmhurst, IL 60126. Applicant's representative: Themis N. Anastos, 120 West Madison Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic supplies*, from the Eastman Kodak Co. plantsite at Oak Brook, Ill., to points in Lake, Porter, La Porte, Starke, St. Joseph, Marshall, Elkhart, Kosciusko, La Grange and Noble Counties, Ind. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 36531 (Sub-No. 6), filed August 18, 1971. Applicant: MAIN TRUCKING COMPANY, a corporation, 52 Rainbow Avenue, Sunbury, OH 43074. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone*, from Carntown, Ky., to points in Ohio. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. 37127 (Sub-No. 2), filed September 3, 1971. Applicant: MECCA & SON TRUCKING CORP., 25 Fairmount Avenue, Jersey City, NJ 07304. Applicant's representative: Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum foil containers and sheet containers, plastic containers and caps and covers* for aluminum and plastic containers, (1) from the fa-

cilities of Ekco Products, Inc., Clayton, N.J., to points in New Jersey; Nassau, and Suffolk Counties, N.Y., and (2) from Jersey City, N.J., to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., and Nassau and Suffolk Counties, N.Y., restricted to traffic having a prior movement by motor or rail from the facilities of Ekco Products, Inc., Wheeling, Ill. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 40757 (Sub-No. 13), filed August 27, 1971. Applicant: CREECH BROTHERS TRUCK LINES, INC., 100 Industrial Drive, Troy, MO 63379. Applicant's representative: William H. Creech (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors, farm implements, and related parts*, between the warehouse site of Deutz Tractor Corp. located at or near O'Fallon, Mo., on the one hand, and, on the other, Columbus, Ohio; Memphis, Tenn.; Atlanta, Ga.; and points in Illinois, Iowa, and Kansas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Jefferson City, Mo.

No. MC 41404 (Sub-No. 103), filed September 7, 1971. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, TN 38237. Applicant's representative: Tom D. Copeland (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas* and (2) *pineapples, coconuts, and agricultural commodities* which are exempt under the provisions of section 203(b)(6) of Part II of the Interstate Commerce Act, when shipped in the same vehicle and at the same time with bananas, from Charleston, S.C., to Detroit, Mich., and points in its commercial zone as defined by the Commission. Note: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 42963 (Sub-No. 43), filed August 24, 1971. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, Second and Tyler Streets, St. Louis, Mo. 63102. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, parts and implements*, from O'Fallon, Mo., to Columbus, Ohio, Atlanta, Ga., Memphis, Tenn., and points in Nebraska, Iowa, Illinois, and Missouri. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed

necessary, applicant requests it be held at St. Louis, Mo.

No. MC 47109 (Sub-No. 7), filed August 25, 1971. Applicant: SULLIVAN LINES, INC., 250 Fulton Avenue, Garden City Park, NY 11040. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), which are at the same time moving on bills of lading of freight forwarders, (1) between Cincinnati, Toledo, and Akron, Ohio; Chicago, Ill.; St. Louis, Mo.; and Milwaukee, Wis.; on the one hand, and, on the other, Fresno, Oakland, Los Angeles, San Francisco, Sacramento, San Diego, San Jose, and Santa Fe Springs, Calif.; Seattle and Tacoma, Wash.; Portland, Oreg.; Phoenix and Tucson, Ariz.; Salt Lake City, Utah; Reno and Las Vegas, Nev.; and (2) between Cincinnati, Toledo, and Akron, Ohio, on the one hand, and, on the other Chicago, Ill.; St. Louis, Mo.; and Milwaukee, Wis. Note: Applicant proposes to tack its present authorities to and from Cincinnati, Toledo, and Akron, Ohio, with the sought authorities and thereby conduct through services to and from its authorized points east of the three named points in Connecticut, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia, on the one hand, and, on the other, to and from points located west of the three named tacking points. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 47583 (Sub-No. 13), filed August 18, 1971. Applicant: TOLLIE FREIGHTWAYS, INC., 41 Lyons Avenue, Kansas City, KS 66118. Applicant's representative: D. S. Huits, Post Office Box 225, Lawrence, KS 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from the Ponca Area Development Site located south of Ponca City, Okla., to points in all States west of the Mississippi River (including Louisiana and Minnesota), in the continent of the United States. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 49304 (Sub-No. 28), filed September 1, 1971. Applicant: BOWMAN TRUCKING COMPANY INC., Post Office Box 6, Stephens City, VA 22655. Applicant's representative: James L. Bowman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement, lime, and limestone products in bulk*, from points in Warren County, Va., to points in Maryland, Pennsylvania, West Virginia, North Carolina, Delaware, and the

District of Columbia; and (2) *beverages* in containers; from Philadelphia and Valley Forge, Pa., to Winchester, Va. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 233), filed August 24, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 317 McDonald Street, Post Office Box 2298, Green Bay, WI 54306. Applicant's representative: D. F. Martin, Post Office Box 2298, Green Bay, WI 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and packaged animal pet food*, from Columbus, Ohio, to points in North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas and all States east thereof, including the District of Columbia, and (2) *Equipment, materials, and supplies*, used in the manufacture and distribution of canned and packaged animal pet food, from the destination States outlined in (1) above, to Columbus, Ohio. **NOTE:** Applicant stated the requested authority could be tacked with various subs of MC 51146 where feasible. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. It further states it has various duplicative items of authority under various subs but does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Los Angeles, Calif.

No. MC 52953 (Sub-No. 38), filed September 13, 1971. Applicant: FT&WNC TRANSPORTATION COMPANY, a corporation, 132 Legion Street, Johnson City, TN 37601. Applicant's representative: H. M. Cook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, in tank vehicles, and those requiring special equipment), serving the plantsite and storage facilities of Monsanto Co., located at Sand Mountain, Marshall County, Ala., approximately 10 miles northeast of Guntersville, Ala., as an off-route point in connection with applicant's regular-route from and to Chattanooga, Tenn., and Florence, Ala. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 59194 (Sub-No. 17), filed August 31, 1971. Applicant: EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenues, Carlstadt, N.J. 07072. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Gen-*

eral commodities (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), alternate routes for operating convenience only: (1) Between Elmira, N.Y., and Williamsport, Pa., in connection with carrier's authorized regular-route operations, serving no intermediate points but serving Williamsport for purposes of joinder only: From Elmira over New York Highway 14 to junction Pennsylvania Highway 14 at the New York-Pennsylvania State line, thence over Pennsylvania Highway 14 to Williamsport, and return over the same route; (2) between Williamsport, Pa., and junction U.S. Highways 15 and 11, in connection with carrier's authorized regular-route operations, serving no intermediate points but serving the termini for purpose of joinder only: from Williamsport over U.S. Highway 15 to junction U.S. Highway 11, and return over the same route, (3) between junction U.S. Highways 15 and 11 and Harrisburg, Pa., in connection with carrier's authorized regular-route operations, serving no intermediate points but serving the termini for purpose of joinder only: From junction U.S. Highways 15 and 11 over U.S. Highway 15 to Harrisburg, and return over the same route, (4) between Harrisburg, Pa., and Wilmington, Del., in connection with carrier's authorized regular-route operations, serving no intermediate points, but serving Harrisburg for the purpose of joinder only: From Harrisburg over Pennsylvania Highway 230 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Pennsylvania Highway 41, thence over Pennsylvania Highway 41 to the Pennsylvania-Delaware State line, thence over Delaware Highway 41 to junction U.S. Highway 13, thence over U.S. Highway 13 to Wilmington, Del., and return over the same route. **NOTE:** Common control may be involved. Applicant states it already holds authority between Elmira, N.Y., and Harrisburg, Pa., and thence to Baltimore, Md., and thence to Wilmington, Del. Applicant seeks here authority to serve for operating convenience directly to Wilmington without moving through Baltimore. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 59640 (Sub-No. 24), filed September 8, 1971. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, NJ 07016. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between Baltimore, Md., on the one hand, and, on the other, Woodbridge Township, Middlesex County, N.J., under a continu-

ing contract with Supermarkets General Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 59800 (Sub-No. 24), filed September 7, 1971. Applicant: THE WEICKER TRANSFER & STORAGE CO., a corporation, 2900 Brighton Boulevard, Denver, CO 80216. Applicant's representative: Joseph F. Nigro, 1515 Cleveland Place, Suite 400, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags and bulk, from Boettcher in Larimer County, Colo., to points in Kansas, Wyoming, and Nebraska. **NOTE:** Applicant holds contract carrier authority under MC 128728, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 61231 (Sub-No. 63), filed September 12, 1971. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' and construction equipment and supplies*, between Des Moines, Iowa, on the one hand, and, on the other, points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, and South Dakota, restricted to traffic originating at or destined to the plantsite and storage facilities of Pittsburgh-Des Moines Steel Co. at Des Moines, Iowa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Omaha, Nebr.

No. MC 61592 (Sub-No. 244), filed August 20, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Jack Davis, 100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Chillicothe, Ohio and Kingsport, Tenn., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, and Washington. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 64808 (Sub-No. 11), filed September 13, 1971. Applicant: W. S. THOMAS TRANSFER, INC., Post Office Box 507, 1854 Morgantown Avenue, Fairmont, WV 26554. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glazing units, glass and glass products; machinery, materials, equipment, and supplies* used in connection with the manufacture, sale, transportation, or distribution of glazing

units, glass and glass products, between Clarksburg, W. Va., on the one hand, and, on the other points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention of tacking. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 65941 (Sub-No. 35), filed August 30, 1971. Applicant: TOWER LINES, INC., Post Office Box 6010, Wheeling, WV 26003. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carnivorous animal feed*, in packages, from the plantsite and warehouse facilities of Kal Kan Food, Inc., at Columbus, Ohio, to points in New York, New Jersey, Pennsylvania, Maryland, West Virginia, Virginia, North Carolina, South Carolina, and Georgia, and (2) *materials and supplies* used in the manufacture, sale and distribution of carnivorous animal feed (except in bulk), from points in New York, New Jersey, Pennsylvania, Maryland, West Virginia, Virginia, North Carolina, South Carolina, and Georgia to the plantsite and warehouse facilities of Kal Kan Food, Inc., at Columbus, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. 67646 (Sub-No. 67), filed August 20, 1971. Applicant: HALL'S MOTOR TRANSIT COMPANY, a corporation, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, PA 17011. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of PPG Industries, Inc., at or near Mount Holly Springs, Pa., as an off-route point in connection with carrier's authorized regular-route operations, under contract with PPG Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 67996 (Sub-No. 7), filed September 29, 1971. Applicant: DISTILLERY TRANSFER SERVICE, INC., Box 516, Bardstown, KY 40004. Applicant's representative: Robert H. Kinker, Box 464, Frankfort, KY 40601. Authority sought to operate as a *common carrier*,

by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), (1) between Louisville and Boston, Ky., from Louisville over Kentucky Highway 61 to Boston, Ky., and return over the same route; (2) between Lebanon Junction and Colesburg, Ky., from Lebanon Junction over Kentucky Highway 434 to Colesburg, Ky., and return over the same route; and (3) between junction Kentucky Highway 61 with Kentucky Highway 245 and site of Lotus Warehousing Co., from junction Kentucky Highway 61 with Kentucky Highway 245 over Kentucky Highway 245 to Lotus, Ky., thence over unnumbered road to the site of the Lotus Warehousing Co., and return over the same route, serving all intermediate points in routes 1 through 3 above. NOTE: Applicant states that authority is sought in connection with a related transfer proceeding wherein applicant, a multistate operator, proposes to acquire the operating authority of Sadler Truck Line, Inc. Included in the authority proposed to be acquired is Sadler's Certificate of Registration MC 32633 Sub 2. Said registered authority would be canceled upon issuance of authority sought herein. Applicant further states it seeks a certificate of public convenience and necessity to replace authority in MC 32633 Sub-No. 2 (Certificate of Registration) being acquired in a related proceeding from Sadler Truck Line in MC-FC-73225. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 68980 (Sub-No. 16), filed September 7, 1971. Applicant: CHECKER EXPRESS CO., a corporation, 6801 South 13th Street, Milwaukee, WI 53221. Applicant's representative: Allan B. Thorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs* (except in bulk), from Champaign, Ill., to points in Wisconsin, restricted to traffic originating at Champaign, Ill., and destined to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 76266 (Sub-No. 121), filed September 9, 1971. Applicant: ADMIRAL-MERCHANT'S MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, MN 55114. Applicant's representative: Robert R. Redmon, 2001 Massachusetts Avenue, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), II(b) between St. Louis, Mo., and Hopkinsville, Ky., serving no intermediate points, as an operating convenience route for purposes of interchange only with its affiliate Jack-Cole Dixie Highway Co.: (1) From St. Louis, Mo., over U.S. High-

way 40 to junction Illinois Highway 3, thence over Illinois Highway 3 to junction U.S. Highway 51, thence over U.S. Highway 51 to Arlington, Ky., thence over Kentucky Highway 80 to Mayfield, Ky., thence over U.S. Highway 68 to Hopkinsville, Ky., and return over the same route; (2) From St. Louis, Mo., over U.S. Highway 61 (also Interstate Highway 55) to junction Missouri Highway 72, thence over Missouri Highway 72 to the Missouri-Illinois State line to junction Illinois Highway 146, thence over Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois Highway 3 to junction U.S. Highway 51, thence over U.S. Highway 51 to Arlington, Ky., thence as specified above to Hopkinsville, Ky., and return over the same route; (3) From St. Louis, Mo., over U.S. Highway 61 (also Interstate Highway 55) to junction U.S. Highway 60 (also over Interstate Highway 57) to Cairo, Ill., thence over U.S. Highway 51 to Arlington, Ky., thence to Hopkinsville, Ky., as specified above and return over the same route. Restriction: Service authorized at Hopkinsville is restricted to the transportation of shipments which are either picked up from, or delivered to, carrier's affiliate Jack-Cole Dixie Highway Co., which are moving from, to, or through Atlanta, Ga. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Paul, Minn.

No. MC 81908 (Sub-No. 3), filed August 18, 1971. Applicant: WILLIAM E. WAMMES, doing business as H. & W. MOTOR FREIGHT, Route No. 4, Box 196, Bowling Green, OH 43402. Applicant's representative: James R. Stivers, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dog food, cat food, and animal food*, from Toledo and Bowling Green, Ohio and points within 10 miles thereof, to Pittsburgh, Pa., and points in that part of Indiana on and west of a line beginning at Lake Michigan and extending along U.S. Highway 35 to Logansport, Ind., thence along Indiana Highway 29 to Burlington, Ind., thence along Indiana Highway 22 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Indiana-Ohio State line and points in that part of Michigan on and south of Michigan Highway 21. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 82492 (Sub-No. 59), filed August 30, 1971. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., Post Office Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris, 2109 Olmstead Road, Kalamazoo, MI 49003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as defined in sections A and C of Appendix I to the report in

Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Wilson Sinclair Co., located at Des Moines, Iowa, to points in Indiana, Michigan, and Ohio, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 83835 (Sub-No. 82), filed September 13, 1971. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, TX 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Pine Bluff and Sheridan, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds nor seeks duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Dallas, Tex.

No. MC 85465 (Sub-No. 43), filed September 10, 1971. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Box 952, Scottsbluff, NE 69361. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant St. Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products, and non-dairy milk and cream substitutes*, from Appleton, Wis., to points in Colorado, Nebraska, North Dakota, South Dakota, Minnesota, Iowa, on and north of U.S. Highway 20 and on and west of U.S. Highway 149, and Kansas, on and west of U.S. Highway 75. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 87231 (Sub-No. 22), filed August 18, 1971. Applicant: BAY AND BAY TRANSFER CO., INC., 805 North Fourth Street, Minneapolis, MN 55401. Applicant's representative: David T. Bennett, 300 Roanoke Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Silica sands and gravels*, from Eau Claire, Wis., to points in Iowa, Missouri, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, the Upper Peninsula of Michigan, Tennessee, and Georgia; (2) *silica sand*, from Ottawa, Minn., to points in Missouri, Kansas, Nebraska, Ohio, Illinois, Indiana, Tennessee, Georgia, Montana, Wyoming, Colorado, and the Upper Peninsula of Michigan; and (3) *silica sand and flour*, from the Minneapolis-St. Paul, commercial zone and points in

Washington County, Minn., to points in Iowa, Wisconsin, South Dakota, North Dakota and the Upper Peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 94201 (Sub-No. 97), filed September 14, 1971. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, AL 35903. Applicant's representative: John P. Carlton, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit crystals and vegetable crystals*, from Lake Wales, Fla., to points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that it does not propose to tack the authority sought with any other authority presently held. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 94350 (Sub-No. 295), filed September 7, 1971. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial shipments and *buildings*, in sections, mounted on wheeled undercarriages, from points of manufacture in Davie County, N.C., to points east of the Mississippi River (except Louisiana and Minnesota). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Winston-Salem, N.C.

No. MC 95376 (Sub-No. 4), filed September 7, 1971. Applicant: McVEY TRUCKING, INC., Rural Route 1, Oakwood, IL 61858. Applicant's representative: Clyde Meachum, 41 North Vermillion, Danville, IL 61832. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Vermillion County, Ind., to points in Illinois. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.; Springfield or Chicago, Ill.

No. MC 95540 (Sub-No. 820), filed August 23, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconut, pineapple, and*

agricultural commodities, when transported with bananas, coconuts or pineapples, from New Orleans, La., to points in Michigan, Nebraska, and North Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it presently participates in this traffic on an interline basis. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 95540 (Sub-No. 821), filed August 31, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carnivorous animal feed*, in packages, from the plantsite and warehouse facilities of Kal Kan Food, Inc., at Columbus, Ohio, to points in the United States on and east of U.S. Highway 85; and (2) *materials and supplies* used in the manufacture, sale, and distribution of carnivorous animal feed (except in bulk), from points in the United States to the plantsite and warehouse facilities of Kal Kan Food, Inc., at Columbus, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95876 (Sub-No. 116), filed August 18, 1971. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, also Post Office Box 844, St. Cloud, MN 56301. Applicant's representative: Robert D. Grisvold, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, pulpboard, hardboard, insulation, insulation materials, padding and cushioning and materials and accessories* used in the installation of wallboard, pulpboard, hardboard, insulation and insulation materials, from Cloquet, Minn., to points in Arkansas, Connecticut, Delaware, District of Columbia, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Rhode Island, South Carolina, Texas, Vermont, Virginia, and West Virginia. NOTE: Applicant states that it can tack with its Sub 9, but knows of no traffic to be so transported. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95876 (Sub-No. 118), filed August 18, 1971. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, also Post Office Box 844, St. Cloud, MN 56301. Applicant's representative: Robert D. Grisvold, 1000 First

National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, insulation, and building materials, and materials and accessories* used in the installation thereof, from Florence, Ky., to points in Minnesota. **NOTE:** Applicant states tacking is possible over Minnesota with Subs 9 and 64, but applicant knows of no traffic to be handled by tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 95920 (Sub-No. 24), filed August 19, 1971. Applicant: SANTRY TRUCKING COMPANY, a corporation, 11552 Southwest Pacific Highway, Portland, OR 97223. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash, soda bicarbonate, talc, and bentonite*, from Three Forks, Mont., Green River, Westvaco, Upton, and Alchem, Wyo., to points in Idaho and Washington, under contract with Van Waters & Rogers. **NOTE:** Applicant also presently holds common carrier authority under MC 123265, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 96324 (Sub-No. 19), filed September 13, 1971. Applicant: GENERAL DELIVERY, INC., Post Office Box 1816, 1822 Morgantown Avenue, Fairmont, WV 26554. Applicant's representative: Harold G. Hernly, Jr., 2030 North Adams Street, Suite 510, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pallets and shipping devices*, from points in Connecticut, Kentucky, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia to Fairmont and Huntington, W. Va., North Bergen and Bridgeton, N.J., Brockport, N.Y., and Clarion, Pa. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 99565 (Sub-No. 10), filed August 16, 1971. Applicant: FORE WAY EXPRESS, INC., 204 South Bellis Street, Wausau, WI 54401. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, WI

53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Wausau, Wisconsin commercial zone in connection with applicant's presently certificated routes. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 99680 (Sub-No. 2), filed September 3, 1971. Applicant: NORTH SHORE & CENTRAL ILLINOIS FREIGHT CO., a corporation, 7701 West 95th Street, Hickory Hills, IL 60454. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Gary, Ind., on the one hand, and, on the other, points in Illinois. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 99776 (Sub-No. 7), filed August 31, 1971. Applicant: BUCKNER TRUCKING, INC., 8802 Liberty Road, Houston, TX 77028. Applicant's representative: J. G. Dall, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, (1) between points in Texas, Oklahoma, Arkansas, Louisiana, and Kansas; and (2) between points named in (1) above, on the one hand, and, on the other, points in Alabama, Mississippi, and New Mexico, restricted against the transportation of pipe as described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. **NOTE:** Applicant states it now holds *Mercer* type authority permitting it to operate, with the observance of certain gateways from, to, and between points located within the territory described in part (1). It further states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex., or New Orleans, La.

No. MC 102401 (Sub-No. 15), filed August 16, 1971. Applicant: TAYLOR HEAVY HAULING, INC., 20601 Ireland Road, South Bend, IN 46614. Applicant's representative: Walter F. Jones, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building modules and components, including plumbing and electrical fixtures, furniture and decorative material, and materials, supplies, and equip-*

ment used in the erection and construction thereof, from the plantsite of Indiana Uniment, Inc., at Mishawaka, Ind., to points in Illinois, Wisconsin, Kentucky, Indiana, Ohio, and Michigan. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 103993 (Sub-No. 666), filed August 30, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghe-sani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Hickman and Maury Counties, Tenn., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 103993 (Sub-No. 667), filed August 30, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghe-sani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Coahoma County, Miss., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 104523 (Sub-No. 46), filed August 30, 1971. Applicant: HUSTON TRUCK LINE, INC., Friend, Nebr. 68359. Applicant's representative: David R. Parker, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures, equipment and supplies*, from Terrell, Tex., to points in Washington, Oregon, California, Nevada, Utah, Idaho, and Montana. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, or Fort Worth, Tex.

No. MC 105463 (Sub-No. 8), filed August 19, 1971. Applicant: C. E. HORNBACK, INC., Post Office Box 176, also 400 West Ninth Street, Tama, IA 52339. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A

and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Tama, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin, under a continuing contract with Tama Corporation. Note: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Omaha, Nebr.

No. MC 106398 (Sub-No. 553), filed August 18, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Orange County, N.C., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Greensboro or Raleigh, N.C.

No. MC 106398 (Sub-No. 555), filed September 13, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Davie County, N.C., to points in the United States (except Alaska and Hawaii). Note: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte or Winston-Salem, N.C.

No. MC 106497 (Sub-No. 59), filed September 7, 1971. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912, Joplin, MO 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Protective coating and primers*, from Denver, Colo., to points in the United States (except Hawaii). Note: Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 106674 (Sub-No. 80), filed August 27, 1971. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box

122, Delphi, IN 46923. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Eaton, Ind., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 107107 (Sub-No. 413), filed September 13, 1971. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42d Avenue, Opa Locka, FL 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Richmond, Va., to points in Alabama, Florida, Mississippi, Louisiana, and Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 544) (Amendment), filed August 9, 1971, published in the FEDERAL REGISTER issue of September 10, 1971, amended and republished as amended, this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing; and accessories and supplies for pipe and tubing*, from East Palestine, Cleveland, and Toledo, Ohio, and Wilkes-Barre, Pa., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to broaden the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Cleveland, Ohio.

No. MC 107295 (Sub-No. 551), filed August 19, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials*, as described in Appendix VI of the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and (2) *Wallboard, hardboard, insulating and padding and cushioning materials and mulch*, from Cloquet, Minn., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia. Note: Applicant

states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Milwaukee, Wis., or Chicago, Ill.

No. MC 107295 (Sub-No. 552), filed August 27, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated structural steel and steel joists*, from Jefferson City and Sedalia, Mo., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Denver, Colo., or Chicago, Ill.

No. MC 107403 (Sub-No. 823), filed August 17, 1971. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Congo, Hancock County, W. Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, West Virginia, Wisconsin, and the District of Columbia, and points in the St. Louis-East St. Louis commercial zone as defined by the Commission. Note: Applicant states that its present authority can be tacked to that here sought but applicant has no present intention of doing so, therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub No. 825), filed August 23, 1971. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 85, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk; from the Kansas City commercial zone to points in Missouri, Illinois, Texas, Minnesota, Indiana, Oklahoma, Arkansas, and Kansas, Colorado, Iowa, Michigan, and Wisconsin; (2) *fly ash*, in bulk, in hopper-type vehicles, from Kansas City, Mo., to points in Arkansas, Kansas, Missouri, Nebraska, and Oklahoma, and

from La Cygne, Kans., to points in Arkansas, Kansas, Missouri, Nebraska, and Oklahoma; and from Kansas City Power & Light near Clinton, Mo., to points in Iowa, Nebraska, and Missouri; (3) *dry chemicals*, including fertilizer and fertilizer materials; from Kansas City, Mo., to points in Iowa, Kansas, Nebraska, and Oklahoma, and from Military, Kans., and Hallowell, Kans., to points in Arkansas, Colorado, Iowa, Missouri, Nebraska, Oklahoma, and Texas; and (4) *fertilizer and fertilizer materials*, dry, in bulk, or in packages; *insecticides, fungicides, and herbicides* (except liquid), in bulk, also in mixed shipments with manufactured fertilizer and fertilizer material, from points on the Arkansas and Verdigris Rivers in Oklahoma, to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Des Moines, Iowa.

No. MC 107515 (Sub-No. 774), filed August 19, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mattoon, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, Kentucky, Ohio, Virginia, Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee (except Memphis and its commercial zone), and the District of Columbia, restricted to traffic originating at and destined to the points named. **NOTE:** Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 775), filed August 30, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packing-houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans.; West Point and Dakota City,

Nebr.; Denison, Fort Dodge, LeMars, and Mason City, Iowa; and Luverne, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plant sites and storage facilities of Iowa Beef Processors, Inc. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107515 (Sub-No. 776), filed August 30, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carnivorous animal feed*, in packages, from the plantsite and warehouse facilities of Kal Kan Food, Inc., at Columbus, Ohio, to points in the United States on and east of U.S. Highway 85; and (2) *materials and supplies* used in the manufacture, sale and distribution of carnivorous animal feed (except in bulk), from points in the United States to the plantsite and warehouse facilities of Kal Kan Food, Inc., at Columbus, Ohio. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107818 (Sub-No. 56), filed September 1, 1971. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Post Office Box 608, Pompano Beach, FL 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Foodstuffs*, from points in Wisconsin to points in Florida, Georgia, Tennessee, Alabama, and South Carolina. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 107818 (Sub-No. 57), filed September 1, 1971. Applicant: GREEN-

STEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Post Office Box 608, Pompano Beach, FL 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, food preparations, and food ingredients* from Chelsea, Mich., to points in Florida, Georgia, North Carolina, and South Carolina. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 108119 (Sub-No. 36), filed August 18, 1971. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 3303 Sibley Memorial Highway, St. Paul, MN 55111. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antipollution systems and equipment*; (2) *liquid cooling and vapor condensing systems and equipment*; (3) *environmental control and protective systems and equipment*; (4) *parts, equipment, materials, and supplies* for the commodities named in (1), (2), and (3) above; and (5) *machinery, equipment, materials and supplies* used in the construction, installation, operation and maintenance of the items named in (1), (2), and (3) above, between points in the United States (except Hawaii and Alaska). No duplicating authority is sought. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108207 (Sub-No. 332), filed August 20, 1971. Applicant: FROZEN FOOD EXPRESS, a corporation, Post Office Box 5888, 318 Cadiz Street, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vitamins, containing chocolate* and (2) *Drugs*, in mixed shipments with (1), all requiring refrigeration in transit, from Des Plaines, Ill.; San Leandro, Calif., and Dallas, Tex., to points in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Texas, and Wisconsin. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Fort Worth, Tex.

No. MC 108207 (Sub-No. 333), filed August 17, 1971. Applicant: FROZEN FOOD EXPRESS, a corporation, Post Office Box 5888, 318 Cadiz Street, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Table sauces, puddings and dips*, from Muskegon, Mich.,

to points in Arkansas, Louisiana, Mississippi, Missouri, Oklahoma, Texas, and Memphis, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108375 (Sub-No. 30), filed August 30, 1971. Applicant: LEROY L. WADE & SON, INC., 1615 Izard Street, Omaha, NE 68102. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foreign-made automobiles*, in secondary movements, from Des Moines, Iowa, to points in Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109637 (Sub-No. 382), filed September 1, 1971. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in bulk, in tank vehicles, between points in Illinois, Indiana, Kentucky, Ohio, Tennessee, New Jersey, and Pennsylvania, on the one hand, and, on the other, points in California. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 110098 (Sub-No. 118), filed August 27, 1971. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road, Post Office Box 20380, San Antonio, TX 78220. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carnivorous animal feed*, in packages, from the plantsite and warehouse facilities of Kal Kan Food, Inc., at Columbus, Ohio, to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Minnesota, and (2) *materials and supplies* used in the manufacture, sale and distribution of carnivorous animal feed (except in bulk), from points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma,

Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, to the plantsite and warehouse facilities of Kal Kan Food, Inc., at Columbus, Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or San Antonio, Tex.

No. MC 110420 (Sub-No. 640), filed September 1, 1971. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, confectionery coatings and ingredients, cocoa and chocolate products, and cocoa butter*, from Burlington, Wis., to points in Illinois and Missouri. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 110420 (Sub-No. 641), filed September 9, 1971. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible coating and flavoring compounds*, in bulk, from Chicago, Ill., to points in Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 110563 (Sub-No. 72), filed August 23, 1971. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, (a) from Palm, Pa., to points in Ohio, Indiana, Illinois, Wisconsin, Michigan, Kentucky, Missouri, Minnesota and to Buffalo, Rochester, and Syracuse, N.Y.; (b) from Temple, Pa., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, North Dakota, South Dakota, Ohio, Wis-

consin, and to Buffalo, N.Y., and points in Pennsylvania on and west of U.S. Highway 219; (c) from Warminster, Pa., to points in Illinois and Ohio, (2) *Frozen bakery goods*, from King of Prussia, Pa., to points in Ohio, Indiana, Illinois, Michigan, Nevada, Colorado, and Texas, and (3) *Salt*, from points in Ohio and Michigan to points in King of Prussia, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 110817 (Sub-No. 16), filed August 19, 1971. Applicant: E. L. FARMER & COMPANY, a corporation, Post Office Box 3512, Odessa, TX 79760. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, (1) between points in Texas, Oklahoma, and Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Nevada; (2) between points in New Mexico, Texas, Oklahoma, and Kansas; (3) between points in Kansas, New Mexico, Oklahoma, and Texas, on the one hand, and, on the other, points in Arizona, Colorado, Utah, and Wyoming; (4) between points in Texas, on the one hand, and, on the other, points in Montana; (5) between points in Alabama, Arkansas, Florida, Louisiana, and Texas; (6) between points in Mississippi, on the one hand, and, on the other, points in Alabama and Florida; (7) between points in Colorado; (8) between points in Colorado, on the one hand, and, on the other, points in Wyoming; and (9) between points in Alabama, Arkansas, Illinois, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex., or Oklahoma City, Okla.

No. MC 111170 (Sub-No. 169), filed August 25, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, also 2811 North West Avenue, El Dorado, AR 71730. Applicant's representative: Don A. Smith, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Pulaski County, Ark., to points in Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111170 (Sub-No. 170), filed August 27, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718,

El Dorado, AR 71730. Applicant's representative: Don A. Smith, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, from Helena, Ark., to Campbell, Mo. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 112298 (Sub-No. 2), filed August 19, 1971. Applicant: RAY'S GARAGE, INC., 14429 West Highway 24, Hales Corners, WI 53130. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled, inoperative, stolen, repossessed, used, abandoned vehicles, and replacement vehicles, and parts and equipment* for all of these items, between points in Wisconsin, Illinois, Indiana, Iowa, Minnesota and the Upper Peninsula of Michigan, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Connecticut, North Carolina, South Carolina, North Dakota, South Dakota, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Washington, D.C., West Virginia, Wisconsin, and Wyoming. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 113158 (Sub-No. 20), filed August 18, 1971. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, Md. 21664. Applicant's representative: V. Baker Smith, 123 South Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shirts, shirt parts and materials and supplies*, used or useful in the manufacture of shirts, between Cambridge, Md.; Lewisburg, Tenn., and York, Ala. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 113158 (Sub-No. 21), filed September 1, 1971. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, Md. 21664. Applicant's representative: V. Baker Smith, 2107 Fidelity Building, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery stores and food business houses,

and, in connection therewith *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), between the warehouse and other facilities of Acme Markets, Inc., at Lancaster, Pa., on the one hand, and, on the other, the warehouses and stores of Acme Markets, Inc., in New York (except New York, N.Y., and points in Sullivan, Ulster, Dutchess, Orange, Putnam, Rockland, Westchester, Nassau, and Suffolk Counties). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113267 (Sub-No. 272), filed August 26, 1971. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabric*, pile from points in North Carolina, South Carolina and Tennessee to Minneapolis, Minn. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113459 (Sub-No. 68), filed August 27, 1971. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, OK 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and (2) *parts, attachments, and accessories* of the items in (1) above, between Oklahoma City, Okla., and Canton, S. Dak., on the one hand, and, on the other, points in the United States (except Hawaii); (3) *hydraulic hammers and cutters*, and (4) *parts, attachments, and accessories* of the items in (3) above, between Denver, Colo., on the one hand, and, on the other, points in the United States (except Hawaii); (5) *stationary and portable asphalt plants and systems*, and (6) *parts, attachments, and accessories* of the items in (5) above, between Chattanooga, Tenn., on the one hand, and, on the other, points in the United States (except Hawaii); (7) *stationary and portable concrete plants and systems*, and (8) *parts, attachments, and accessories* of the items in (7) above, between Santa Clara, Calif., on the one hand, and, on the other, points in the United States (except Hawaii); (9) *road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and (10) *parts, attachments, and accessories* of the items in (9) above, between points in the United States (except Hawaii), restricted to traf-

fic originating at or destined to C.M.I. Corp. **NOTE:** Applicant states that if any of the involved commodities also qualify as "size-or-weight" commodities, limited tacking might be permitted from applicant's existing authority for the latter, however, tacking is not foreseen. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 113528 (Sub-No. 19), filed July 29, 1971. Applicant: MERCURY FREIGHT LINES, INC., 710 North Joachim Street, Mobile, AL 36601. Applicant's representative: Alan E. Serby, Post Office Box 872, Atlanta, GA 30301 and F. E. Larsen, Post Office Box 1247, Mobile, AL 36601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *General commodities*, (except household goods as defined by the Commission, articles of unusual value, classes A and B explosives, commodities requiring special equipment, and commodities in bulk), serving points within a 15 mile radius of Atlanta, Ga., as off-route points in connection with carrier's otherwise authorized regular routes; or, in alternative, serving an area within approximately 15 miles of Atlanta as off-route points in connection with carrier's otherwise authorized routes, to wit: All points lying on and within the area embraced by a line beginning at Dallas, Ga., and junction of Georgia Highway 92 Spur and U.S. Highway 278, thence over Georgia Highway 92 Spur and Georgia Highway 92 in a southerly direction to junction Georgia Highway 54 at or near Fayetteville, Ga.; thence over Georgia Highway 54 to junction Georgia Highway 138 at or near Jonesboro, Ga.; thence over Georgia Highway 138 to junction Georgia Highway 81 at or near Walnut Grove, Ga.; thence over Georgia Highway 81 to junction Georgia Highway 20 near Loganville, Ga.; thence over Georgia Highway 20 to Lawrenceville, Ga.; thence over Georgia Highway 120 to Alpharetta, Ga.; thence over an unnumbered highway westerly to junction Georgia Highway 92 near Mountain Park, Ga.; thence over Georgia Highway 92 to junction Georgia Highway 92 Spur at or near New Hope, Ga.; thence over Georgia Highway 92 Spur to the point of beginning, restricted against the transportation of traffic, direct or interline, between Atlanta, on the one hand, and, on the other, the points named herein. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 113535 (Sub-No. 22), filed September 13, 1971. Applicant: A&W TRUCKING CO., INC., Route 5, Box 900, Mosinee, WI 54455. Applicant's representative: John J. Altenburg (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers* used for the storage and transportation of cheese, from points in Wisconsin to Bongards, Minn., and to Winsted, Minn. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority.

If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Madison, Wis.

No. MC 113828 (Sub-No. 195), filed September 3, 1971. Applicant: O'BOYLE TANK LINES, INCORPORATED, Post Office Box 30006, Washington, DC 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement mill stack dust*, in bulk, from Martinsburg, W. Va., to points in Delaware, Maryland, West Virginia, Pennsylvania, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 247), filed August 19, 1971. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Snowmobiles*; (2) *snowmobile trailers*; (3) *parts, attachments, and accessories* for the commodities described in (1) and (2) above; (4) *snowmobile clothing and accessories*; and (5) *materials, supplies, and equipment* utilized in the manufacture and distribution of the commodities described in (1), (2), (3), and (4) above, between points in Minnesota on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113908 (Sub-No. 215), filed August 30, 1971. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 3180, Springfield, MO 65804. Applicant's representative: LeRoy Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Springfield and Verona, Mo., to points in Arizona, California, Colorado, Nevada, New Mexico, Utah, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 114211 (Sub-No. 16), filed September 16, 1971. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post

Office Box 420, Waterloo, IA 50704. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Air distribution systems*, (B) *air and lighting outlets*, (C) *metal and plastic products*, (D) *building materials*, and (E) *parts, attachments, and accessories* for, or used in connection with the above-described commodities, from points in Black Hawk County, Iowa, Dade County, Fla., Maricopa County, Ariz., and Kaufman County, Tex., to points in the United States (except Alaska and Hawaii), and (F) *equipment, materials, and supplies* used in the manufacture and distribution of the above-described commodities from points in the United States (except Alaska and Hawaii), to points in Black Hawk County, Iowa, Dade County, Fla., Maricopa County, Ariz., and Kaufman County, Tex. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 114265 (Sub-No. 11) (Correction), filed July 16, 1971, published in the FEDERAL REGISTER, issue of August 19, 1971, and republished in part as corrected this issue. Applicant: RALPH SHOE-MAKER, doing business as SHOE-MAKER TRUCKING COMPANY, 8624 Franklin Road, Boise, ID. Applicant's representative: Raymond D. Givens, Box 964, Boise, ID 83701. NOTE: The sole purpose of this partial republication is to show (B) as: From Eugene, Ore., to points in Ada County, Idaho, in lieu of from points in Ada County, Idaho, as erroneously shown in the previous publication. The rest of the application remains as previously published.

No. MC 114290 (Sub-No. 60), filed September 3, 1971. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, OR 97210. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Umatilla County, Ore., and Walla Walla, Grant, Benton, and Franklin Counties, Wash., to points in Oregon and Washington and Washoe County, Nev. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore., or Seattle, Wash.

No. MC 114301 (Sub-No. 68), filed September 13, 1971. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office

Box 97, Elkton, MD 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper products*, from North East, Md., to points in Connecticut, Delaware, the District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; and (2) *materials, supplies, and equipment* used in the manufacture and shipping of paper products from the States named in (1) above to North East, Md. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 121), filed August 19, 1971. Applicant: DART TRANSPORT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New store and office fixtures, and new furniture*, from Princeton, Minn., to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment, and supplies* used in the manufacture, sale and distribution of the above-described commodities (except commodities in bulk and commodities because of their size or weight require the use of special equipment), from points in the United States (except Alaska and Hawaii), to Princeton, Minn.

No. MC 114533 (Sub-No. 238), filed September 7, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, IL 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Rockford, Ill., on the one hand, and, on the other, points in Rock, Dane, Green (except Monroe), and Walworth Counties, Wis. NOTE: Applicant holds contract carrier authority under MC 128616, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.; Chicago or Rockford, Ill.

No. MC 114569 (Sub-No. 95), filed August 19, 1971. Applicant: SHAFFER TRUCKING, INC., Post Office Box 418, New Kingstown, PA 17072. Applicant's representative: James W. Hagar, Post Office Box 1106, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk) from points in Adams

and Franklin Counties, Pa., to points in Alabama, Florida, and Georgia. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114569 (Sub-No. 96), filed August 25, 1971. Applicant: SHAFFER TRUCKING, INC., Post Office Box 418, New Kingstown, PA 17072. Applicant's representative: James W. Hagar, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Biglerville and Gardners, Pa., and Inwood, and Martinsburg, W. Va., to points in Arizona, Arkansas, Colorado, Delaware, District of Columbia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. **NOTE:** Applicant states tacking possibilities exist, but it does not intend to tack the authority applied for herein. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114890 (Sub-No. 53), filed August 19, 1971. Applicant: C. E. REYNOLDS TRANSPORT, INC., Post Office Box A, Joplin, MO 64801. Applicant's representative: Dean Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, including *fertilizer and fertilizer materials*, from Kansas City, Mo., to points in Iowa, Kansas, Nebraska, and Oklahoma. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 115322 (Sub-No. 86), filed August 23, 1971. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, FL 32771. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, FL 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, vehicle body sealer and sound deadening compounds*, in packages, from Congo, W. Va., to points in Alabama,

Florida, Georgia, North Carolina, and South Carolina. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115826 (Sub-No. 219) (Amendment), filed May 26, 1971, published in the FEDERAL REGISTER issue of June 24, 1971 and republished as amended, this issue. Applicant: W. J. DIGBY, INC., Post Office Box 5088 TA, 1960 31st Street, Denver, CO 80217. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, foodstuffs and alcoholic beverages, liquor, wines, alcoholic and nonalcoholic beverage preparation* from points in California to points in Colorado, Arizona, Wyoming, New Mexico, Texas, Utah, and points in Cheyenne, Banner, Kimbal, Scottsbluff, Sioux, Morrill, Box Butte, and Dawes Counties, Nebr. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to re-describe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., Los Angeles or San Francisco, Calif.

No. MC 115840 (Sub-No. 71), filed September 7, 1971. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway (Post Office Box 10327), Birmingham, AL 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products, and aluminum articles* (except in bulk), between the plantsite of Planet Corp. at Birmingham, Ala., on the one hand, and, on the other, points in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116073 (Sub-No. 186), filed August 20, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South, Kegel Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular housing units; buildings and sections of buildings*, from points in Hampshire County, Mass., to points in the United States (except Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass.

No. MC 116073 (Sub-No. 187), filed September 2, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC.,

Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South, Kegel Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings and sections of buildings* on wheeled undercarriages; from Alamance County, N.C., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 116073 (Sub-No. 188), filed September 17, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South, Kegel Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements and *buildings* complete or in sections, mounted on wheeled undercarriages, from Franklin County, Kans., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 116073 (Sub-No. 189), filed September 17, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South, Kegel Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, and *buildings* complete or in sections mounted on wheeled undercarriages, from points in Polk County, Fla., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 116073 (Sub-No. 190), filed September 17, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South, Kegel Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings* complete or in sections mounted on wheeled undercarriages, from Coahoma County, Miss., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority

cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 116073 (Sub-No. 191), filed September 17, 1971. Applicant: **BARRETT MOBILE TRANSPORT HOME, INC.**, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South, Kegal Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings* complete, knocked down or in sections, from points in Lamar, Walker, and Jefferson Counties, Ala., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116073 (Sub-No. 192), filed September 17, 1971. Applicant: **BARRETT MOBILE HOME TRANSPORT, INC.**, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South, Kegal Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Madison County, N.Y., to points in the United States (including Alaska but excluding Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 116077 (Sub-No. 317), filed September 9, 1971. Applicant: **ROBERTSON TANK LINES, INC.**, 2000 West Loop South, Suite 1800, Houston, TX 77027. Applicant's representative: Pat H. Robertson, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chlorate and solutions*, liquid, in bulk, in tank vehicles, from Columbus and Hamilton, Miss., to points in Alabama, Florida, Louisiana, and Texas. **NOTE:** Applicant states that the authority sought can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Jackson, Miss.

No. MC 116273 (Sub-No. 149), filed August 23, 1971. Applicant: **D&L TRANSPORT, INC.**, 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: William R. Lavery (same

address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Chicago, Ill., to points in Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore, does not identify the territories which can be served. Persons interested in the tacking information are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117068 (Sub-No. 15), filed August 18, 1971. Applicant: **MIDWEST HARVESTORE TRANSPORT, INC.**, 2118 17th Avenue NW., Rochester, MN 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silos, loading and unloading devices, waste storage tanks, livestock scales and feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems and parts and accessories therefor*, from Kankakee and Eureka, Ill., and Elkhorn, Wis., to points in Montana in and east of Park, Meagher, Cascade, Chouteau, and Liberty Counties, Mont. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Bismarck, N. Dak., or Chicago, Ill.

No. MC 117815 (Sub-No. 183), filed August 30, 1971. Applicant: **PULLEY FREIGHT LINES, INC.**, 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale grocery and food business houses, and in connection therewith, equipment, materials and supplies* used in the conduct of such business, from Des Moines, Iowa, to Chariton, Iowa, restricted to traffic destined to Chariton, Iowa. **NOTE:** Applicant states that the requested authority will be tacked with its existing authority at Des Moines, Iowa, to provide service from specified points in Illinois, Minnesota, Nebraska, Michigan, Kansas, Missouri, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 118089 (Sub-No. 10), filed September 9, 1971. Applicant: **ROBERT HEATH TRUCKING, INC.**, 2909 Avenue C, Lubbock, TX 79408. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix 1 to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Friona and Plainview, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lubbock, Tex. or Albuquerque, N. Mex.

No. MC 118178 (Sub-No. 9), filed September 3, 1971. Applicant: **BILL MEEKER**, 1733 North Washington, Post Office Box 11184, Wichita, KS 67202. Applicant's representative: Marshall D. Becker, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 736 (except hides), from the plantsite and storage facilities used by National Beef Packing Co. at or near Liberal, Kans., to points in California, restricted to traffic originating at the plantsite and storage facilities of National Beef Packing Co. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 110064, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 118178 (Sub-No. 10), filed September 13, 1971. Applicant: **BILL MEEKER**, 1733 North Washington, Post Office Box 11184, Wichita, KS 67202. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides), from the plantsite and storage facilities used by National Beef Packing Co. at or near Liberal, Kans., to points in Tennessee, Kentucky, Indiana, Illinois, Ohio, Virginia, West Virginia, and Florida (restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co.). **NOTE:** Applicant holds contract carrier authority in MC 110064, therefore dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 118831 (Sub-No. 85), filed August 19, 1971. Applicant: **CENTRAL**

TRANSPORT, INCORPORATED, Post Office Box 5044, High Point, NC. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Chambers County, Ala., and Lanett, Ala., to points in Alabama, Georgia, and Mississippi. NOTE: Applicant states tacking possibilities exist with its Sub-No. 22 at Lanett, Ala., and others. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Columbia, S.C., or Atlanta, Ga.

No. MC 118978 (Sub-No. 5), filed August 30, 1971. Applicant: MERCURY PRODUCE EXPRESS LTD., 2201 Rosser, Burnaby, BC, Canada. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper*, from ports of entry on the international boundary line between the United States and Canada at or near Blaine, Wash., to points in King, Pierce, and Yakima Counties, Wash., points in Multnomah and Lane Counties, Oreg., points in Washoe County, Nev., points in Maricopa and Pima Counties, Ariz., and points in California; and (2) *yarn, carpets, and carpeting accessories and materials*, from points in California, to ports of entry on the international boundary line between the United States and Canada at or near Oroville, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 125022, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 119395 (Sub-No. 2), filed September 3, 1971. Applicant: WILLIAM'S CHEMICAL TRANSPORT, INC., 4200 Pine Street, Wilmington, DE 19802. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Chemicals and drugs* (except in bulk), from the plantsites and warehouse facilities utilized by Atlas Chemical Industries, Inc., at or near New Castle, and Newark, Del., to points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, (b) *defective, rejected, or contaminated chemicals and drugs* (except in bulk), from points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, to the plantsites and warehouse facilities utilized by Atlas Chemical Industries, Inc., at or near New Castle and Newark, Del., and (c) *materials, equipment and supplies* used in the manufacture, sale, and distribution of chemicals and drugs, (except in bulk), between the plantsites

and warehouse facilities utilized by Atlas Chemical Industries, Inc., at or near New Castle and Newark, Del., on the one hand, and, on the other, points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, under contract with Atlas Chemical Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119493 (Sub-No. 81), filed August 19, 1971. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Applicant's representative: Ray F. Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour*, in containers, from McPherson, Buhler, and Inman, Kans., to points in Illinois, Arkansas, Louisiana, those in Missouri on and south of U.S. Highway 50 (except those in the St. Louis, Mo.-E. St. Louis, Ill., commercial zone as defined by the Commission, and the Kansas City, Mo.-Kansas City, Kans., commercial zone as defined by the Commission), points in Mississippi (except those on and north of U.S. Highway 80), points in Tennessee east of U.S. Highway 27 (except Cleveland and Boyce, Tenn.), and points in Georgia (except Tifton, Ga., and that part of Georgia on and north of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 280 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Atlantic Ocean), and (2) *animal and poultry feed and ingredients* (except in bulk), from McPherson, Buhler, and Inman, Kans., to points in Georgia (except Tifton, Ga., and that part of Georgia on and north of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 280 to junction of U.S. Highway 80, thence along U.S. Highway 80 to the Atlantic Ocean). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119619 (Sub-No. 65), filed August 27, 1971. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk), from points in Wisconsin to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Georgia, Florida, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119632 (Sub-No. 46), filed August 16, 1971. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, beverages, and advertising matter* therefor, from Battle Creek, Mich., to points in Ohio, Pennsylvania, Kentucky, West Virginia, Maryland, New York, Delaware, and New Jersey. NOTE: Applicant states it already holds authority under its existing certificate No. MC-119632 to transport cereal food preparations macaroni, spaghetti, dog food, and advertising matter therefor, from Battle Creek, Mich., to Ashtabula, Barnesville, Bellaire, Chillicothe, Dillonville, East Liverpool, Gallipolis, Ironton, Jackson, Marietta, Millersport, New Boston, Pomeroy, Portsmouth, St. Clairsville, Steubenville, and Youngstown, Ohio, points in that part of Pennsylvania on and west of U.S. Highway 219, points in that part of West Virginia on, north, and east of U.S. Highway 60 from the Ohio-West Virginia State line to Charleston, W. Va., thence along U.S. Highway 119 to Buckhannon, W. Va., thence along U.S. Highway 33 to Elkins, W. Va., thence along U.S. Highway 219 to the West Virginia-Maryland State line, and that part of Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along Kentucky Highway 11 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line, with no transportation for compensation on return except as otherwise authorized.

Applicant also holds authority under its existing certificate No. MC-119632 to transport bakery goods from the plant-site of Kellogg Co. at Battle Creek, Mich., to Ashtabula, Barnesville, Bellaire, Chillicothe, Dillonville, East Liverpool, Gallipolis, Ironton, Jackson, Marietta, Millersport, New Boston, Pomeroy, Portsmouth, St. Clairsville, Steubenville, and Youngstown, Ohio, points in that part of Pennsylvania on and west of U.S. Highway 219, that part of West Virginia on and north of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 60 to Charleston, W. Va., thence along U.S. Highway 119 to Buckhannon, W. Va., thence along U.S. Highway 33 to Elkins, W. Va., and thence along U.S. Highway 219 to the West Virginia-Maryland State line, and that part of Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along Kentucky Highway 11 to junction U.S. Highway 25E, and thence along U.S. Highway 25E to the Kentucky-Tennessee State line, with no transportation for compensation on return except as otherwise authorized. The foregoing application thus duplicates in part authority already held by applicant under its certificate No. MC-119632 and to the extent of such duplication, applicant will consent to the cancellation of any of applicant's existing authority which is duplicated by authority granted pursuant to

this application. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119669 (Sub-No. 26), filed August 31, 1971. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31 A, Columbus, IN 47201. Applicant's representative: William J. Boyd, 29 South La Salle, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from Plymouth, Ind., and points in Allegan County, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 277), filed September 1, 1971. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies*, used in the manufacture and sale of dairy products, from Chicago, Chicago Heights, and Elk Grove Village, Ill., to points in New Ulm, Albany, and Melrose, Minn. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Milwaukee, Wis.

No. MC 119767 (Sub-No. 278), filed September 2, 1971. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and commodities distributed by dairies* (except commodities in bulk), (1) from Chicago, Ill., and its commercial zone to points in Ohio on and west of a line beginning at Sandusky, Ohio, and extending south along Ohio Highway 4 to Marion, Ohio, and thence along U.S. Highway 23 to Portsmouth, Ohio, and points in Kentucky; (2) from Browerville, Minn., to points in Illinois, Indiana, and Grand Rapids, Mich.; (3) from Minnesota to points in Ohio on and west of a line beginning at Sandusky, Ohio, and extending south along Ohio Highway 4 to Marion, Ohio, and thence along U.S. Highway 23 to Portsmouth, Ohio, and Missouri (except Kansas City); (4) from Minneapolis and Mountain Lake, Minn., to points in Michigan; (5) from Spencer and Reedsburg, Wis., to points in Grand Rapids, Mich.; and (6) from Eau Claire and Whitehall, Wis.,

to points in Grand Rapids, Mich. **NOTE:** Applicant states it can tack to serve other origins; however, tacking is not intended as applicant holds similar direct authority or is not intended to serve the shipper. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Milwaukee, Wis.

No. MC 119777 (Sub-No. 222), filed August 18, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies*, used in the manufacture of wallboard, insulation board, paneling, vinyl, film, shelving, siding, moulding, display cases and display case assemblies, knocked down furniture, doors and door assemblies, from points in the United States (except Alaska and Hawaii and the St. Louis, Mo.-East St. Louis, Ill., commercial zone) to Wright City, Union, and Sedalia, Mo. **NOTE:** Applicant holds contract carrier authority under MC 129670, therefore dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119777 (Sub-No. 223), filed September 7, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Highway 85 East, Madisonville, KY 42431. Applicant's representative: William G. Thomas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the plantsite of Mesker Steel, Inc., located near Albany, Miss., to points in Delaware, Florida, Iowa, Maryland, Michigan, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, Wisconsin, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier under MC 126970 and subs thereunder, therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Jackson, Miss.

No. MC 119777 (Sub-No. 224), filed August 30, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Highway 85 East, Madisonville, KY 42431. Applicant's representative: William G. Thomas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk, in tank vehicles),

between the plantsite and warehouse facilities of Amox Aluminum Products, Inc., located in Grundy County, Ill., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia. Restriction: Restricted to traffic originating at or destined to the above named plantsites or warehouse facilities. (**NOTE:** Return authority sought only to handle rejected or damaged shipments not rejected at time of delivery). Applicant holds contract carrier authority under MC 126970 and subs, therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., St. Louis, Mo., or Washington, D.C.

No. MC 119789 (Sub-No. 65) (Amendment), filed April 9, 1971, published in the FEDERAL REGISTER issue of May 13, 1971, and republished as amended, this issue. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food products*, other than frozen (except meats, meat products, and meat byproducts, and dairy products), and *supplies and ingredients* used in the manufacture of food products, from Columbus, Ohio, and Sturgis, Mich., to Mitchell, S. Dak.; and (2) *food products*, other than frozen (except meats, meat products, meat byproducts and dairy products), from Mitchell, S. Dak., to Los Angeles, Oakland, and San Francisco, Calif.; Salt Lake City, Utah; Seattle, Wash.; Oklahoma City, Okla.; Phoenix, Ariz.; Portland, Oreg.; and El Paso, San Antonio, Fort Worth, and Houston, Tex. Restriction: (1) To the transportation of traffic originating at the plantsites and storage facilities of Ross Laboratories, at Columbus, Ohio and Sturgis, Mich.; (2) from Mitchell, S. Dak., to Los Angeles, Oakland, and San Francisco, Calif.; Salt Lake City, Utah; Seattle, Wash.; Oklahoma City, Okla.; Phoenix, Ariz.; Portland, Oreg.; and El Paso, San Antonio, Fort Worth, and Houston, Tex., (1) and (2) restricted against transportation of supplies and ingredients in bulk. **NOTE:** The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Dallas, Tex., or Washington, D.C.

No. MC 119789 (Sub-No. 96), filed August 2, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery, advertising matter and materials, display*

racks, between Thibodaux, La., Pewaukee, Wis., St. Louis, Mo., and Memphis, Tenn. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Memphis, Tenn., or Washington, D.C.

No. MC 119789 (Sub-No. 102), filed August 23, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, other than frozen, from the plantsite of Weston Biscuit Co. located at Battle Creek, Mich., to points in Kansas, Louisiana, Missouri, Oklahoma, and Texas. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., Washington, D.C., or Dallas, Tex.

No. MC 119789 (Sub-No. 103), filed August 29, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carnivorous animal feed* in packages, from the plantsite and warehouse facilities of Kal Kan Food, Inc., at Columbus, Ohio, to points in the United States on and east of U.S. Highway 85; and (2) *materials and supplies* used in the manufacture, sale, and distribution of carnivorous animal feed (except in bulk), from points in the United States to the plantsite and warehouse facilities of Kal Kan Food, Inc., at Columbus, Ohio. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119789 (Sub-No. 104), filed September 5, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: Winston M. Boggs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Textile and textile products*, from Tupelo, Miss., to points in Texas, New Mexico, Arizona, California, and Nevada; and (2) *laminated plastics, light fixtures and parts and supplies therefor, and light bulbs, power lawn mowers with engine combined; steel folding chairs-mess and/or banquet tables, stools, caddies for chairs and tables*, from Verona and Tupelo, Miss., to points in Texas, New Mexico, Arizona, California, Nevada, Oregon, Washington, and Colorado. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at

Jackson, Miss., Washington, D.C., or Dallas, Tex.

No. MC 119988 (Sub-No. 44), filed September 1, 1971. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Post Office Box 1384, Lufkin, TX 75902. Applicant's representative: Bennie W. Haskins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter* and (2) *newspaper supplements* otherwise exempt from economic regulations under section 203(b) (7) of the Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma boundary line near Ringgold, Tex., and extending along U.S. Highway 81 to its junction with U.S. Highway 181, thence along U.S. Highway 181 to Corpus Christi, Tex., to points in Alabama, Arkansas, Connecticut, Indiana (except Indianapolis and South Bend, Ind.); Illinois (except Chicago, Ill.), Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin, and Atlanta, Ga. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 120789 (Sub-No. 6), filed August 30, 1971. Applicant: UNIVERSAL TRANSPORT SYSTEM, INC., 2680 Bayshore Frontage Road, Mountain View, CA 94040. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bulk, from Fernley, Nev., to points in California north of San Luis Obispo, Kern, and San Bernardino Counties, and to points in Curry, Josephine, Jackson, Klamath, Lake, Harney, and Malheur Counties, Ore., and (2) *gypsum*, in bulk, from Gerlach, Nev., to San Juan Bautista, Calif. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Reno or Carson City, Nev., or San Francisco, Calif.

No. MC 121060 (Sub-No. 14), filed September 2, 1971. Applicant: ARROW TRUCK LINES, INC., Post Office Box 5568, Birmingham, AL 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, parts and accessories therefor, building and construction materials and supplies, iron and steel articles, and materials, supplies and equipment* used in the manufacture of prefabricated buildings, between Columbus, Ga., on the one hand and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Ken-

tucky, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 121154 (Sub-No. 45), filed August 19, 1971. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, Albany, GA 31702. Applicant's representative: W. D. Wingate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay and fuller's earth*, from points in Thomas County, Ga., to points in Alabama, Florida, South Carolina, and Tennessee. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123067 (Sub-No. 114), filed August 18, 1971. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, NC. Applicant's representative: L. J. Steele, Post Office Box 11361, Greensboro, NC 27409. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay slurry*, in bulk, from points in Georgia, to points in the United States located in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Kansas. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 123294 (Sub-No. 21), filed August 25, 1971. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona Avenue, Warsaw, IN 46580. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds, dry animal and poultry mixtures, animal and poultry tonics and medicines, insecticides, in containers (other than agricultural), livestock and poultry feeders and equipment and premiums and advertising matter* relating to such products, from Quincy, Ill., to points in Indiana, Ohio, Michigan, Pennsylvania, North Carolina, and South Carolina. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 123383 (Sub-No. 60), filed September 7, 1971. Applicant: BOYLE

BROTHERS, INC., 941 South 2d Street, Camden, NJ 08103. Applicant's representative: Thomas E. Kiley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardboard, and particle-board*, from Camden, N.J., and Philadelphia, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Camden, N.J., or Philadelphia, Pa.

No. MC 123497 (Sub-No. 4), filed August 16, 1971. Applicant: **WOODLAND TRANSPORT, INC.**, Box 72, Siren, WI 54872. Applicant's representative: Marion Irving Anderson, Siren, Wis. 54872. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used snowmobiles*, for snowmobile clubs and groups for the purpose of charter recreational snowmobiling in county, State, and Federal parks, between points in Wisconsin, Minnesota, and Illinois and points in Montana and Wyoming. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123681 (Sub-No. 21), filed August 25, 1971. Applicant: **WIDING TRANSPORTATION, INC.**, Post Office Box 03159, Portland, OR 97203. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which by reason of size or weight, require special handling or the use of special equipment, and *commodities* which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; (2) *self-propelled articles*, transported on trailers, and *related machinery, tools, parts, and supplies* moving in connection therewith; (3) *iron and steel articles* as described in appendix 5 to the report in *Descriptions in Motor Carrier Certificates*, ex parte MC 45, 61 M.C.C. 209 and 766; (4) *pipe*, other than iron and steel, together with fittings; and (5) *construction materials*, between points in California, on the one hand, and, on the other, points in Oregon, Washington, Idaho, Montana, Nevada, Arizona, Utah, Colorado, and Wyoming. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it

be held at Portland, Oreg., Salt Lake City, Utah, or San Francisco, Calif.

No. MC 123685 (Sub-No. 11), filed September 7, 1971. Applicant: **PEOPLES CARTAGE INC.**, 8045 Navarre Road SW., Massillon, OH 44646. Applicant's representative: James Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Perry Township, Stark County, Ohio, to points in Kentucky, Maryland, Tennessee, Virginia, Ohio, Pennsylvania, New York, New Jersey, Delaware, Missouri, Michigan, Indiana, Illinois, West Virginia, Wisconsin, and the District of Columbia. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 124078 (Sub-No. 496), filed August 18, 1971. Applicant: **SCHWERMAN TRUCKING CO.**, a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals, fertilizer, and fertilizer materials*, from Kansas City, Mo., to points in Iowa, Kansas, Nebraska, and Oklahoma. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 124078 (Sub-No. 497), filed September 10, 1971. Applicant: **SCHWERMAN TRUCKING CO.**, a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Savannah, Ga., to points in Illinois, Kentucky, Michigan, Ohio, West Virginia, and Wisconsin. **NOTE:** Applicant states that the requested authority can be tacked at East Dubuque, Ill., Niota, Ill., and Sheboygan, Wis., to serve points in Minnesota, Iowa, South Dakota, and Nebraska. However tacking is not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124154 (Sub-No. 46), filed August 19, 1971. Applicant: **WINGATE**

TRUCKING COMPANY, INC., Post Office Box 645, Albany, GA 31702. Applicant's representative: W. Guy McKenzie, Jr., Post Office Box 1200, Tallahassee, FL 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals and agricultural chemical materials*, in containers, between points in Phillips County, Ark., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124211 (Sub-No. 202), filed September 7, 1971. Applicant: **HILT TRUCK LINE, INC.**, Post Office Drawer 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and food-stuffs* (except commodities in bulk, in tank vehicles), from Champaign, Ill., to points in Indiana, Iowa, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, to points in Maryland, New York, and Pennsylvania on and west of National Interstate Highway 81 and to Allentown, Pa. **Restrictions:** The authority sought herein is restricted (1) to the transportation of shipments originating at Champaign, Ill., and destined to points in the named destination States; and (2) to the extent the authority sought herein duplicates applicant's present authority, such authority shall not be construed as conferring more than one operating right severable by sale or otherwise. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124656 (Sub-No. 4), filed August 19, 1971. Applicant: **JOHN LONG TRUCKING, INC.**, 1030 Denton Street, Sapulpa, OK 74066. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Van Buren and Alma, Ark., to points in California, Arizona, and Oklahoma, under contract with Allen Canning Co., Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 124987 (Sub-No. 18), filed August 18, 1971. Applicant: **EARL L. BONSACK AND ELAINE M. BONSACK**, a partnership, doing business as **EARL L. BONSACK**, 512 West Plainview Road, La Crosse, WI. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and incidental advertising material*, when shipped with malt beverages, from La Crosse, Wis., to Bemidji and Winona, Minn., also the

plantsite of the Jacob Leinenkugel Brewing Co., Chippewa Falls, Wis., to O. M. Dorney Beverage Co., Inc., Minneapolis, Minn.; (2) *New empty glass bottles*, 1 gallon or less in capacity, from the plantsite of Midland Glass Co., Inc. (Valley Park) Shakopee, Minn., to G. Heilman Brewing Co., Inc., La Crosse, Wis., and (3) *Electric signs and parts*, used in the manufacture of electric signs, between La Crosse, Wis., and points in Minnesota, Iowa, South Dakota, North Dakota, Missouri, and Nebraska, under contract with O. M. Dorney Beverage Co., Inc., and G. Heilman Brewing Co., Inc. If a hearing is deemed necessary, applicant requests it be held at La Crosse, Wis.

No. MC 125848 (Sub-No. 1), filed August 13, 1971. Applicant: PHIL'S MOVERS, INC., 8455 South 77th Avenue, Bridgeview, IL 60544. Applicant's representative: Themis N. Anastos, 120 West Madison Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household furniture and appliances*, from the warehouse site of District Furniture and Appliance Co., located at 8455 South 77th Avenue, Bridgeview, IL, to that portion of Indiana described as follows: The Indiana-Illinois State line on the west; Indiana State Route 18 on the south from the Indiana-Illinois State line to Delphi, Ind.; all territory on the west of Indiana Route 25 from Delphi, Ind., to Rochester, Ind.; from Rochester, Ind., all territory to the west of U.S. Route 31 to the Michigan-Indiana State line; the territory in Indiana, south of the Michigan-Indiana State line and Lake Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125952 (Sub-No. 14), filed August 19, 1971. Applicant: INTERSTATE DISTRIBUTOR CO., a corporation, 8311 Durango Street SW., Tacoma, WA 98499. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sulphate, sodium sulphate, soda ash, methylene chloride, copper sulphate, carbon disulphide, and carbon tetrachloride mixtures, boric acid, pentachlorophenol, metasilicates, trichloroethylene, nitric, phosphoric, acetic and hydrofluoric acids, plating and buffing compounds, detergents, and filtering agents* in containers, from points in California and Reno, Calado, Gabbs, and Luning, Nev., to points in Washington, under contract with Van Waters and Rogers. NOTE: Applicant holds common carrier authority under MC 117201, therefore dual operations may be involved. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 126247 (Sub-No. 4), filed September 13, 1971. Applicant: AMERICAN TRANSFER AND STORAGE COMPANY, a corporation, 905 West Mockingbird Lane, Dallas, TX 75247. Applicant's

representative: Phillip Robinson, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Arkansas, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 126984 (Sub-No. 3), filed September 3, 1971. Applicant: H. F. L. TRANSPORT, INC., 2530 South Columbus, Springfield, OH. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brooms, mops and related items and materials*, used in their manufacture, from those points in that part of the United States on and east of U.S. Highway 85, to Cleveland, Ohio, under contract with Sunshine Broom & Brush Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127028 (Sub-No. 13), filed September 20, 1971. Applicant: BREDEHOEFT PRODUCE COMPANY, INC., Post Office Box 7, Decatur, AR 72722. Applicant's representative: Edward T. Lyons, Jr., 430 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from City of Industry, Calif., to points in Arkansas, Colorado, Kansas, Missouri, New Mexico, Oklahoma, Texas, and Utah. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 127274 (Sub-No. 32), filed September 10, 1971. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, IN 47302. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water system tanks* (except those which because of size or weight require special equipment), from Rogers, Ark., to points in Alabama, Georgia, Indiana, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 127651 (Sub-No. 9), filed August 19, 1971. Applicant: EVERETT G. ROEHL, 201 West Upham Street, Marsh-

field, WI 54449. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from the Town of Bass Lake, Sawyer County, Wis., to points in Illinois, (2) *Hardwood flooring systems; hardwood flooring; lumber and lumber products, and accessories and supplies used in the installation thereof*, from the plant warehouse sites of Robbins Flooring Co., at or near Ishpeming, Mich., and White Lake, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New York, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, District of Columbia, and east of U.S. Highway 183 in Nebraska, and (3) *Materials, equipment and supplies*, used in the manufacture and distribution of commodities above from the above-named destination States to plant and warehouse sites of Robbins Flooring Co., located at Ishpeming, Mich., and White Lake, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.; Minneapolis-St. Paul, Minn.

No. MC 128247 (Sub-No. 19), filed September 7, 1971. Applicant: BURSAL TRANSPORT, INC., Rural Route 1, Bunker Hill, IN 46914. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed clay*, from points in Thomas County, Ga., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, D.C., West Virginia, and Wisconsin, under contract with Oil-Dri Corp. of America. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 128247 (Sub-No. 20), filed September 8, 1971. Applicant: BURSAL TRANSPORT, INC., Rural Route 1, Bunker Hill, IN 46914. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed clay*, from points in Jefferson County, Ga., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina,

Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, D.C., West Virginia, and Wisconsin, under contract with Georgia-Tennessee Mining & Chemical Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 128273 (Sub-No. 104), filed September 10, 1971. Applicant: MID-WESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products, materials and supplies used in the manufacture and distribution of the foregoing commodities* (except commodities which, because of size or weight, require the use of special equipment and commodities in bulk), between Westfield, West Springfield, and Woronoco, Mass., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128616 (Sub-No. 5), filed September 7, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, IL 60606. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except coins, currency, and negotiable securities) as are used in the conduct and operation of banks and banking institutions, between Springfield, Mo., on the one hand, and, on the other, points in Benton, Boone, Baxter, Carroll, Madison, Marion, and Washington Counties, Ark., under contract with banks and banking institutions. **NOTE:** Applicant holds common carrier authority under MC 114533 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Springfield or Kansas City, Mo.

No. MC 128958 (Sub-No. 2), filed September 13, 1971. Applicant: CENTRAL PENN AIR SERVICE, INC., 141 Access Road, Olmstead State Airport, Middletown, PA 17057. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Adams, Bedford, Berks, Blair, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon,

Juniata, Lancaster, Lebanon, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Sullivan, Union, and York Counties, Pa., on the one hand, and, on the other, Newark, N.Y., and points in the New York, N.Y., commercial zone, restricted to shipments having a prior or subsequent movement by air. **NOTE:** Applicant states that the requested authority may be tacked with its MC 128958 or MC 128958 (Sub-No. 1) at Middletown, Pa., or at numerous other points. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 129018 (Sub-No. 3), filed August 18, 1971. Applicant: DARRELL D. WYLIE, 623 Burlington, Holdrege, NE 68949. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream novelties and yogurt*, from Los Gatos, Calif., and Salt Lake City, Utah, to points in Nebraska, under contract with Beatrice Foods Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 129034 (Sub-No. 3), filed September 1, 1971. Applicant: LOOMIS COURIER SERVICE, INC., 55 Battery Street, Seattle, WA 98121. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except currency and negotiable securities), as are used in the business of banks and banking institutions in interstate or foreign commerce between points in Multnomah, Clackamas, and Washington Counties, Ore., on the one hand, and, on the other, points in Clark, Cowlitz, Lewis, Thurston, Pierce, and King Counties, Wash., under contract with banks and banking institutions. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Ore.

No. MC 129386 (Sub-No. 9), filed September 10, 1971. Applicant: REFRIGERATED TRUCKS, INC., 1007 Mullowney Lane, Billings, MT 59102. Applicant's representative: Clayton Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Purebred cattle, horses, sheep, swine, goats, and mules*, chiefly valuable for breeding, racing, show purposes and other special uses, between points in Montana on the one hand, and, on the other, points in Idaho, Washington, Oregon, California, Nevada, Utah, Arizona, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, and Nebraska. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., or Great Falls, Mont.

No. MC 129645 (Sub-No. 39), filed August 30, 1971. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, MI 49801. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardboard, particle board, and accessories* used in the installation thereof (except commodities in bulk), from Camden, N.J., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 129720 (Sub-No. 3), filed September 20, 1971. Applicant: JACOBSEN TRANSFER, INC., Post Office Box 47, Fairmont, NE 68354. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain handling equipment and the equipment and materials* used in the erection thereof, from the plantsite and warehouse facilities utilized by Circle Steel Corp. at or near Taylorville, Ill., to points in North Dakota, South Dakota, Wyoming, Montana, Nebraska, Kansas, Iowa, Colorado, Minnesota, and Missouri, under contract with Circle Steel Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 133029 (Sub-No. 4), filed September 20, 1971. Applicant: DOEFP CROCKETT HAULING, INC., Route 1, Box 920, Dexter, NM 88230. Applicant's representative: Joseph F. Baca, Post Office Box 465, 311 Sixth Street NW., Albuquerque, NM 87103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer in kegs, bottles, cans and on pallets and empties on return*, from Houston, Tex., to Las Cruces, Albuquerque and Santa Fe, N. Mex. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albuquerque or Santa Fe, N. Mex.

No. MC 133093 (Sub-No. 4), filed August 2, 1971. Applicant: CLIFFORD JONES, doing business as JONES TRUCK LINE, 3010 McNutt Road, Sunland Park, NM 88063. Applicant's representative: Clifford Jones (same address

as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, in refrigerated equipment, from El Paso, Tex., to points in California, under contract with Star Mill, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 133095 (Sub-No. 9), filed August 23, 1971. Applicant: TEXAS-CONTINENTAL EXPRESS INC., Post Office Box 434, Euless, TX 76039. Applicant's representative: Rocky M. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol; alcoholic beverages; mixes; beverage preparations; and articles* distributed by wholesale and chain liquor outlets, from Houston, Tex., to Del Rio, Eagle Pass, and El Paso, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 133095 (Sub-No. 10), filed September 21, 1971. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., Post Office Box 434, Euless, TX 76039. Applicant's representative: Rocky M. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Mount Holly Springs, Pa., to points in Oklahoma, Kansas, Missouri, Mississippi, Louisiana, Texas, New Mexico, Arizona, and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 133703 (Sub-No. 4), filed August 26, 1971. Applicant: WISCONSIN CHEESE SERVICE, INC., 770 North Springdale Road, Waukesha, WI 53186. Applicant's representative: Frank M. Coyne, One West Main, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables*, from Green Bay, Wis., to points in Montana, Idaho, Washington, Oregon, Utah, California, Arizona, New Mexico, and Colorado, under contract with The Larson Co., Green Bay, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 133796 (Sub-No. 6), filed September 3, 1971. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, PA 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paint, protective coatings, penetrants and lubricants* (except commodities in bulk), from Lansdale, Pa., to points in the United States (except Alaska and Hawaii); (2) *materials and supplies* used in the manufacture of the commodities in (1) above, on return; (3) *fuel priming starting aids, penetrants, paints, protective coatings, insecticides and ice removals, and corrosion inhibitors* (except commodities in bulk), from Beverly, N.J., and Norristown, Pa., to points in the United States (except Alaska and Hawaii); (4) *materials and supplies* used in the manufacture of the commodities in (3) above, on return; (5) *fuel priming starting aids, penetrants, paints, protective coating, insecticides and ice removers, and corrosion inhibitors* (except commodities in bulk), from Irvington, N.J., to points in the United States (except Alaska and Hawaii); and (6) *materials and supplies* used in the manufacture of the commodities in (5) above, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 129239, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 134022 (Sub-No. 6), filed August 26, 1971. Applicant: RICHARD A. ZIMA, doing business as ZIPCO, 4008 Schuster Drive, Post Office Box 115, West Bend, WI 53095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese food and related specialty items*, in packages for retail sale, between Kaukauna and town of Vinland, Wis., and points in Illinois, Missouri, Kansas, Oklahoma, Texas, Louisiana, Indiana, Ohio, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, West Virginia, Virginia, Pennsylvania, New York, Maryland, Arkansas, Massachusetts, Connecticut, Rhode Island, and New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Green Bay or Milwaukee, Wis.

No. MC 134036 (Sub-No. 1), filed August 24, 1971. Applicant: TRANS WORLD LEASING, INC., 1600 North Olden Avenue, Trenton, NJ 08638. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Thermoplastic articles*, from the plant site of Princeton Packaging Systems at Ewing Township, N.J., to points in Indiana, Michigan, Illinois, Louisiana, Arkansas, and Missouri, under contract with Princeton Packaging Systems. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124040 (Sub-No. 2), filed August 30, 1971. Applicant: ACME TRANSFER, INC., Post Office Box 404, Fort Dodge, IA 50501. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Urethane, urethane products, roofing and roofing materials, insulating materials, composition board, gypsum prod-*

ucts, and materials used in the installation thereof (except commodities in bulk), from the plantsite of the Celotex Corp. near Fort Dodge, Iowa, to points in Illinois, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin, under contract with the Celotex Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 134238 (Sub-No. 3), filed September 20, 1971. Applicant: GENE'S INC., 302 Maple Lane, Arcanum, OH 45304. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as described in section B of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209; and *limitation dairy products* (Melerin); (2) *cottage cheese, yogurt, ice cream, ice cream products, sherbets, water ices, and water ice products*, in containers; and (3) *fruit drinks and juices*, fresh and frozen, in containers, from the plantsite, warehouse and storage facilities of the Kroger Co., Indianapolis, Ind., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract or contracts with The Kroger Co. NOTE: Applicant holds common carrier authority under MC 133977 and Subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, Indianapolis, Ind., or Washington, D.C.

No. MC 134599 (Sub-No. 29), filed September 1, 1971. Applicant: INTER-STATE CONTRACT CARRIER CORP., Post Office Box 748, Salt Lake City, UT 84101. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys and advertising and promotional matter*, when moving at the same time and in the same vehicle with games and toys, from City of Industry and Compton, Calif., to points in North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Kansas, and Missouri, under continuing contract with Mattel, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Denver, Colo.

No. MC 134599 (Sub-No. 30), filed September 13, 1971. Applicant: INTER-STATE CONTRACT CARRIER CORP., Post Office Box 748, Salt Lake City, UT 84101. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys and advertising and*

promotional matter, when moving at the same time and in the same vehicle with games and toys, from City of Industry and Compton, Calif., to points in Arizona, New Mexico, Texas, and Oklahoma, under continuing contract with Mattel, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Denver, Colo.

No. MC 134780 (Sub-No. 2), filed August 19, 1971. Applicant: UNITED TRUCK SERVICE, INC., Post Office Box 1276, Seminole, OK 74868. Applicant's representative: Dean Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay pipe, including connections, fittings and accessories therefor*, from the plantsite of United Clay Pipe Co., at or near Seminole, Okla., to points in Louisiana and Arizona. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 134872 (Sub-No. 4), filed September 16, 1971. Applicant: GOSSELIN EXPRESS LTD., 141 Smith Boulevard, Thetford Mines, PQ, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, NY 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles*, from Denver, Colo., to ports of entry on the international boundary line between the United States and Canada, located in Michigan. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 134922 (Sub-No. 19), filed September 3, 1971. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's Representative: William J. Boyd, 29 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from New Hampton, Iowa, to points in Washington, Oregon, Wyoming, Utah, Montana, Idaho, Nevada, North Carolina, South Carolina, Tennessee, Kentucky, Louisiana, Mississippi, Georgia, Florida, and Alabama. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134959 (Sub-No. 1), filed September 1, 1971. Applicant: GEORGE BENNETT AND WILLIAM A. WHITE, a partnership, doing business as BENNETT AND WHITE, 617 21st Street, Greeley, CO 80631. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (1)

from points in Iowa, Missouri, Kansas, and Illinois to points in Colorado (except points in Weld, Pueblo, Rio Grande, and Denver Counties), New Mexico, Texas, Kansas, Nebraska, and Oklahoma; and (2) from points in Denver, Colo., to points in Wyoming, Kansas, and Nebraska. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 135007 (Sub-No. 7), filed September 13, 1971. Applicant: AMERICAN TRANSPORT, INC., Millard, Nebr. 68137. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plants, warehouses and storage facilities utilized by National Beef Packing Co. at or near Kansas City and Liberal, Kans., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, Ohio, Virginia, North Carolina, South Carolina, and the District of Columbia, under a continuing contract with National Beef Packing Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 135033 (Sub-No. 3) (Correction), filed August 18, 1971, published in the FEDERAL REGISTER, issue of September 30, 1971, under No. MC 125951 Sub 18 in error, and republished as corrected this issue. Applicant: SILVEY & COMPANY, a corporation, South Omaha Bridge Road, Council Bluffs, IA 51501. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated food products*, from Norfolk, David City, Ravenna, and Omaha, Nebr.; Malvern, Iowa; and Springfield, Mo., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, under contract with Henningsen Foods, Inc. **NOTE:** Applicant conducts operations as a *common carrier* under No. MC 125951, therefore dual operations may be involved. The purpose of this republication is to show the correct docket number assigned thereto as MC 135033 (Sub-No. 3) in lieu of MC 125951 (Sub-No. 18), which was in error. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 135133 (Sub-No. 1) filed August 26, 1971. Applicant: ALBERT RING, ANDREW RING, RONALD RING, AND BERNARD RING, doing business as FRANK RICHARD RING, Neola, Iowa 51559. Applicant's representative: Albert L. Ring (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

routes, transporting: *Used telephones and communication equipment*, loose, uncrated, from points in Michigan, Illinois, Georgia, Texas, California, Ohio, and Missouri to the plantsite and storage facilities of Allied Communications Equipment Supply at or near Council Bluffs and Neola, Iowa for the account of Allied Communications Equipment Supply. **NOTE:** Applicant holds common carrier authority under MC 62601, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 135207 (Sub-No. 1), filed August 26, 1971. Applicant: L. M. X EX-PRESS, INC., 42-33 66th Street, Woodside, NY 11377. Applicant's representative: Merrill Higgins (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cups, lids, straws, plates, dishes, bowls, dispensers, packaging containers*, in straight or mixed shipments, in conventional motor carrier equipment, between applicant's facilities in New York, N.Y., and within the New York City commercial zone, on the one hand, and, on the other, points in Essex, Union, Bergen, Passaic, and Hudson Counties, N.J., and points in Nassau, Suffolk, Westchester, Rockland, Ulster, Sullivan, Dutchess, and Orange Counties, N.Y., under contract with Maryland Cup Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Baltimore, Md., or New York, N.Y.

No. MC 135320 (Sub-No. 3), filed August 30, 1971. Applicant: OKLAHOMA ARMORED CAR, INC., 1005 Southwest Second Street, Oklahoma City, OK 73125. Applicant's representative: John M. Delany, 2 Nevada Drive, Lake Success, NY 11040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*; (2) *radiopharmaceuticals, radioactive drugs and medical isotopes*; (3) *medical instruments and replacement parts*; and (4) *cut flowers, decorative greens and florist supplies*, between points in Oklahoma, on traffic having an immediately prior or subsequent out-of-State movement. **NOTE:** Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 135212 (Sub-No. 2), filed August 19, 1971. Applicant: ACADIAN EXPRESS SERVICE LTD., 1950 Ellesmere Road, Unit 21, Scarborough, ON, Canada. Applicant's representative: Robert D. Gunderman, Suite 1708, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in express service (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between ports of entry on the international boundary lines between the

United States and Canada located on the Niagara River, on the one hand, and, on the other, points in Erie, Niagara, Genesee, and Monroe Counties, N.Y. Restrictions: (1) To shipments originating at or destined to points in Canada; (2) to the transportation of packages or articles weighing in the aggregate less than 400 pounds per shipment from one consignor to one consignee on any one day; and (3) restricted to the transportation of shipments, the deliveries of which are to be completed on the same day that shipments are tendered. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 135345 (Sub-No. 2), filed September 7, 1971. Applicant: C. E. WOOD, doing business as WOOD DELIVERY, Route 7, Box 414, Roanoke, VA 24018. Applicant's representative: Paul S. Barbary, Sixth Floor, Boxley Building, Roanoke, Va. 24005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs and such general commodities* as are dealt in by wholesale and retail drug business houses, from Roanoke, Va., to (1) points in North Carolina on the west of a line extending from the Virginia-North Carolina State line along U.S. Highway 501 to Durham, N.C., on and north of a line extending along U.S. Highway 70 from Durham through Greensboro, Salisbury, Statesville, N.C., to Hickory, N.C., and on and east of a line extending along U.S. Highway 321 from Hickory to Boone, N.C., and thence along U.S. Highway 421 from Boone to the North Carolina-Virginia State line, exclusive of points in Rockingham County, N.C., (2) points in Washington, Sullivan, Carter and Johnson Counties, Tenn., and (3) points in McDowell, Wyoming and Mercer Counties, W. Va., points in Raleigh County, W. Va., on and east of West Virginia Highway 16, and points in West Virginia on and north of a line extending from the West Virginia-Virginia State line along the northern boundary of Mercer County to the junction with Raleigh County and thence along the northern boundary of Raleigh County to the junction of U.S. Highway 19, thence on and east of a line extending along U.S. Highway 19 to the junction of U.S. Highway 60, and thence on and south of a line extending along U.S. Highway 60 from its junction with U.S. Highway 19 to the West Virginia-Virginia State line, under contract with Roanoke Drug Division of McKesson & Robbins, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135398 (Sub-No. 4), filed July 22, 1971. Applicant: CULLEN TRUCKING CO., INC., 9540 South Baltimore Avenue, Chicago, IL 60617. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, IN 46312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shortening and meats* (except in bulk, in tank vehicles), between Chicago, Ill. and points in Indiana, Michigan, Ohio, Illinois, and Kentucky, for the account of South

Chicago Packing Co. and Chicago Shortening Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135486 (Sub-No. 2), filed September 20, 1971. Applicant: JACK HODGE TRANSPORT, INC., 2410 West Ninth Street, Marion, IN 46952. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as described in section B of Appendix I to the Report and Descriptions in Motor Carrier Certificate 61 M.C.C. 209; and *imitation dairy products* (Melerin); and, (2) *cottage cheese, yogurt, ice cream, ice cream products, sherbets, water ices, and water ice products*, in containers; and, (3) *fruit drinks and juices, fresh and frozen*, in containers, from the plantsite, warehouse and storage facilities of The Kroger Co., Indianapolis, Ind., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to a transportation service to be performed under a continuing contract or contracts with The Kroger Co., in refrigerated equipment. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, Indianapolis, Ind., or Washington, D.C.

No. MC 135509 (Sub-No. 2), filed August 24, 1971. Applicant: WILLIAM R. WADE, doing business as WADE'S MOBILE HOME MOVERS, 8015 East 58th Street, Kansas City, MO 64129. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers, mobile homes and modular homes*, between points in Missouri on and west of U.S. Highway 63, on the one hand, and, on the other, points in Illinois and Kansas. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 135528 (Sub-No. 4), filed September 3, 1971. Applicant: CLIFFORD R. SMITH, doing business as SMITH TRUCKING, R.F.D., Oakley, UT 84055. Applicant's representative: Miss Irene Warr, Suite 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, from Los Angeles, Calif., harbor commercial zone to points in Utah, under contract with P. K. Wholesale Roofing Supply. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 135533 (Sub-No. 1), filed September 13, 1971. Applicant: TRANSPORTS INTERNACIONALES DE BAJA CALIFORNIA, S.A., KM 8 Carretera San Luis, Apartado Postal 120, Mexicali, Baja California, Mexico. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kerosene, jet fuel, solvent, aviation gasoline, turbine fuel, and lubricants*, between points in Los Angeles County, Calif., on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Mexico at or near Calexico and San Ysidro, Calif. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 135569 (Sub-No. 2), filed September 2, 1971. Applicant: CORNELIUS WIELINK, Rural 1, Hannon, ON, Canada. Applicant's representative: Robert D. Gunderman, Suite 1708, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete units*, from ports of entry on the international boundary line between the United States and Canada located on the Niagara, Detroit, and St. Clair Rivers, to Detroit and Port Huron, Mich., and points in New York, Pennsylvania, and Ohio, under contract with Decor Precast Co., Ltd. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 135607 (Sub-No. 1), filed August 16, 1971. Applicant: VANCOUVER AIRLINE CARTAGE (1964) LTD., Suite 208, 444 Cowlet Crescent, Richmond, BC Canada. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver, BC Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except household goods as defined by the Commission and explosives, having prior or subsequent movement by air), between the international boundary line of the United States and Canada at the port of entry at or near Blaine, Wash., and Seattle, Wash., and Sea-Tac Airport, Wash., over Interstate Highway 5. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 135614 (Sub-No. 1), filed August 16, 1971. Applicant: ESKELIN, INC., 4604 Wornall Road, Kansas City, MO 64112. Applicant's representative: Herbert V. Eskelin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities*, as are manufactured and dealt in by chemical companies, except commodities in bulk, in tank or hopper type vehicles, and (2) *Returned and rejected shipments and equipment, materials and supplies*, used in the manufacture and distribution of commodities described in (1), except commodities in bulk, in tank or hopper type vehicles, between Kansas City, Mo.-Kans., and

points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, and Texas, under contract with Chemagro Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 135632 (Sub-No. 1), filed August 23, 1971. Applicant: FRANCIS D. BROWN & SON, INC., 600 Spring Street, Klamath Falls, OR 97601. Applicant's representative: Jack L. Dempsey (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood waste products*, from points in Siskiyou County, Calif., to points in Klamath County, Oreg., under contract with Weyerhaeuser Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Klamath Falls or Portland, Oreg.

No. MC 135636 (Sub-No. 2), filed August 19, 1971. Applicant: HARRY E. CLARK, Rural Route No. 4, McLeansboro, IL 62859. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough green lumber, pallets, boxes, blockings, nails, strapping, and steel dip tank*, between McLeansboro, Ill., and Poplar Bluff, Mo., under contract with Joseph G. Baldwin Co., McLeansboro, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 135759 (Sub-No. 1), filed September 8, 1971. Applicant: K & C TRANSPORTATION, INC., Ninth Floor, Loyalty Building, Portland, Oreg. 97204. Applicant's representative: Carol Hewitt (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Books and periodicals, and library carts*, between Blackwood, N.J., on the one hand, and, on the other, points in Kings, Nassau, New York, Bronx, Queens, Richmond, Brockland, and Suffolk Counties, N.Y.; Luzerne, Delaware, Philadelphia, and Lehigh Counties, Pa.; Suffolk and Middlesex Counties, Mass.; Burlington, Merces, Middlesex, Summerset, Hudson, Essex, Passaic, Bergen, and Morris Counties, N.J.; Baltimore, Carroll, Anne Arundel, and Clarke Counties, Md.; New Haven County, Conn.; and in Delaware; and (2) *books, periodicals and library carts*, between blackwood, N.J.; Marion, Ohio; Zion, Ill.; Denver, Colo., and Beaverton, Oreg. under contract with Richard Abel and Company, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 135835 (Sub-No. 2), filed September 1, 1971. Applicant: WILLIAM C. BAIRD, doing business as JOHN BAIRD, 146 Cherry Lane, Aliquippa, PA 15001. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores and mail order houses*, from Center Township, Beaver County, Pa., to points in Columbiana, Mahoning, and Jefferson Counties, Ohio,

and Brooke and Hancock Counties, W. Va., under contract with Sears, Roebuck and Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 135866 (Sub-No. 1), filed August 25, 1971. Applicant: JACK L. MASSENDER, doing business as ZIL-LAH HAULING SERVICE, 6502 North Pittsburg, Spokane, WA 99207. Applicant's representative: John Hall, 6130 Arcade Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, glass, steel, lumber, plywood, roofing, nails, paneling, insulation, iron and steel, fabricated and laminated beams*, between points in Washington, Montana, Idaho, Oregon, and California, under contract with Savage Wholesale Building Materials, Artistic Iron Works and Wm. Miller Lumber Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 135873 (Sub-No. 1), filed September 10, 1971. Applicant: KSS TRANSPORTATION CORPORATION, 4 Wester Avenue, Metuchen, NJ 08840. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Envelopes, advertising materials, circulars, paper bags, rolled paper stock for printing and newsprint, periodical inserts and business forms*, from Metuchen, Edison, North Brunswick, and Middlesex, N.J., to points in the United States (except Alaska and Hawaii), under continuing contract or contracts with Webcraft Packaging, Inc., Filmcraft Packaging, Inc., and Publication Insert Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135909, filed August 2, 1971. Applicant: WALTER V. BAKER AND WILLIS D. W. BAKER, a partnership doing business as BAKER BROS., 304 South Main, Ellington, MO 63638. Applicant's representative: Walter V. Baker, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, feed, seed and grain*, in bag and bulk, except liquid bulk, from points in Missouri, Iowa, Illinois, Alabama, Arkansas, and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Reynolds County Court House, Centerville, Mo., or St. Louis, Mo.

No. MC 135920, filed August 9, 1971. Applicant: REDWOOD TRANSPORT LTD., Post Office Box 600, Fort McMurray, AB Canada. Applicant's representative: Stanley Motkoski (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used and reconditioned conveyor belting*, from the port of entry on the international boundary line between the United States and Canada located

at or near Noyes, Minn., to Virginia, Minn., and (2) *used and reconditioned bucketwheel teeth*, from the port of entry on the international boundary line between the United States and Canada located at or near Sweetgrass, Mont., to Berkeley, Calif., under contract with Great Canadian Oil Sands Limited. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 135928 (Sub-No. 2), filed September 1, 1971. Applicant: KRS TRUCKING CORPORATION, 1365 West Front Street, Plainfield, NJ 07063. Applicant's representative: Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Leaders, gutters, elbows, corner ends, downspouts, and materials and supplies used in connection therewith*, from the plantsite of Royal-Apex Manufacturing Co., Inc., Plainfield, N.J., to points in the United States east of the Mississippi River, under a continuing contract with Royal-Apex Manufacturing Co., Inc., *damaged, refused, and rejected shipments* on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 135948 (Sub-No. 1), filed September 16, 1971. Applicant: DARWIN L. YOUNG AND MELVIN J. THOMPSON, a partnership, doing business as D. L. Y. TRUCKING, Route 5, Box 99, Blackfoot, ID 83221. Applicant's representative: Darwin L. Young (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Carbon, Emery, Sevier, Summit, and Kane Counties, Utah, to points in Bingham County, Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Pocatello, and Boise, Idaho, or Salt Lake City, Utah.

No. MC 135952 (Sub-No. 2), filed September 3, 1971. Applicant: A-1ST TRUCKING & LEASING CORP., 180 Winfred Avenue, Yonkers, NY 10704. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Suite 1516, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radio receiving sets, tape recorders, tape players, record players, combinations and parts thereof, sewing machines, sewing machine cabinets, and parts thereof*, between the premises of Morse Electro Products Corp., at New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, New Hampshire, and Philadelphia, Pa., under contract with Morse Electro Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135965 (Correction), filed August 16, 1971, published in the FEDERAL REGISTER issue of September 30, 1971, and republished in part as corrected, this issue. Applicant: J. P. WIEST, doing business as WIEST TRUCKING, 1509 Western Park Village, Jamestown, ND 58401. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. NOTE: The sole purpose of this partial republication is to reflect the applicant as J. P. WIEST, doing business as WIEST TRUCKING in lieu of J. P. WEIST, doing business as WEIST TRUCKING, which was shown erroneously in the previous publication. The rest of the application remains as previously published.

No. MC 135973 (Sub-No. 1), filed August 26, 1971. Applicant: EXPEDITED TRANSPORTATION CORPORATION, 5 Wood Avenue, Secaucus, NJ. Applicant's representative: Edwin L. Smith, 235 East 42d Street, New York, NY 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Film, videotape and soundtrack*, between the Borough of Manhattan, N.Y., and Wilmington, Del., under contract with Procter & Gamble Co., Grey Advertising, Inc., and Doyle Dane Bernbach, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 135978, filed August 18, 1971. Applicant: RED LINE EXPRESS, INC., Post Office Box 306, Dade City, FL 33525. Applicant's representative: George M. Grant, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk and commodities requiring special equipment because of size or weight), *plywood and composition board*, between Charleston, Ill., and points in Alabama, Florida, Georgia, Mississippi, Louisiana, Arkansas, Kentucky, Tennessee, Virginia, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135990, filed August 19, 1971. Applicant: CONTRACT CARRIER, INC., 617 The Omaha Building, Omaha, Nebr. 68102. Applicant's representative: Michael T. Levy (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hair care items*, manufactured by Tip Top Division of Faberge, Inc., from Omaha, Nebr., to Pomona, Calif.; Kearns, Utah; Dallas, Tex.; Bound Brook, N.J.; and Forest Park, Ga., under contract with Tip Top Division of Faberge, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 136008, filed August 26, 1971. Applicant: JOE BROWN COMPANY,

INC., 20 Third Street NE., Post Office Box 1669, Ardmore, OK 73401. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, Post Office Box 75124, Oklahoma City, OK 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone, sand and gravel, and related materials*, between points in Arkansas, Oklahoma, Kansas, Colorado, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 136009, filed August 18, 1971. Applicant: ROBERT P. KING, INC., 69 Vernon Street, Gardner, MA 01440. Applicant's representative: Arthur A. Wentzell, Post Office Box 764, Worcester, MA 01613. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antique, classic, or specific interest cars, and related parts thereof*, between points in Worcester County, Mass., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, the District of Columbia, and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston or Worcester, Mass.

No. MC 136018, filed August 30, 1971. Applicant: TRI CITY EXPRESS, INC., Post Office Box 1418, Memphis, TN 38101. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 West Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood chips*, from points in Kentucky on and west of U.S. Highway 41 to points in Kansas, Nebraska, Iowa, Minnesota, and Wisconsin; and (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which because of size or weight require the use of special equipment), between Dukedom, Pilot Oak, Fairbanks, Harvey, Tri-City, Cuba, Bell City, and Lynnville, Ky., on the one hand, and, on the other, Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 136019, filed August 23, 1971. Applicant: JAMES MCGRAW, doing business as MCGRAW DELIVERY SERVICE, 837 Bonita, Elk Grove, IL. Applicant's representative: Philip A. Lee, 110 South Dearborn Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Charlotte, N.C., to Elk Grove, Ill., under contract with Anvan Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136029, filed September 13, 1971. Applicant: R. C. WILLIAMS, Sallisaw, Okla. 74955. Applicant's representative: Robert J. Mildfelt, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ground and pulverized limestone*, from Marble City and Sallisaw, Okla., to points in Kansas, Missouri, Arkansas, Texas, Louisiana, and Oklahoma, under contract with St. Clair Lime Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 136031, filed September 2, 1971. Applicant: EIDSON & USSERY, INC., Rural Route No. 2, Marshall, MO 65340. Applicant's representative: Thomas P. Rose, Jefferson Building (Post Office Box 205), Jefferson City, MO 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Dry fertilizer*, from Lawrence, Kans., to all plantsites, exchanges or other facilities of Missouri Farmers Association, Inc. in Missouri; (2) *Salt*, from Hutchinson, Kans., to all plantsites, exchanges, or other facilities of Missouri Farmers Association, Inc. in Missouri; (3) *Livestock Feeders*, from Quincy, Ill., and Jefferson, Iowa to all plantsites, exchanges, or other facilities of Missouri Farmers Association, Inc., in Missouri, and in Rogers, Ark.; (4) *Wire and Fence Posts*, from Joliet, Ill., to the plantsites, exchanges, or other facilities of Missouri Farmers Association, Inc., in Missouri; (5) *Paper Bags and Bag Materials*, from Nashville, Tenn., to the plantsites, exchanges, or other facilities of Missouri Farmers Association, Inc., in Missouri; (6) *Bailer and Binder Twine*, from New Orleans, La., to the plantsites, exchanges, or other facilities of Missouri Farmers Association, Inc., in Missouri; (7) *Oyster Shell and Paper*, from Houston and Pasedena, Tex., to the plantsites, exchanges, or other facilities of Missouri Farmers Association, Inc., in Missouri; (8) *Tires*, from Baltimore and Cumberland, Md., and Memphis, Tenn., to the plantsites, exchanges, or other facilities of Missouri Farmers Association, Inc., in Missouri, under a continuing contract with Missouri Farmers Association Inc., of Columbia, Mo. (B) (1) *Cotton Piece Goods, Unfinished, in Rolls or Bales*, from Bemis, Knoxville, and Nashville, Tenn., and Sumter, S.C., and Talladega, Ala., to Kansas City, Mo., under a continuing contract with Central Bag Co. of Kansas City, Mo. NOTE: Applicant holds common carrier authority under MC 125081 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Jefferson City, or Kansas City, Mo.

No. MC 136032 filed September 3, 1971. Applicant: TEXAS CONTINENTAL EXPRESS, INC., Post Office Box 434, Euless, TX 76039. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hair care toiletries and equipment*, from Stamford, Conn., to points in the United States in and west of Wisconsin, Illinois, Missouri, Arkansas, and Mississippi (except Alaska and Hawaii), under contract with Clairol Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Stamford, Conn., or Washington, D.C.

No. MC 136033, filed September 14, 1971. Applicant: LEO H. PINSKY, doing business as DOWNEY GLASS TRUCK LINES, 5631 Ferguson Drive, Commerce, CA 90022. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flat glass products and mirrors*, crated or uncrated, (a) from Commerce, Calif., to Birmingham, Ala.; Casa Grande, Flagstaff, Gila Bend, Glendale, Kingman, Lake Havasu, Mesa, Nogales, Parker, Phoenix, Riviera, Scottsdale, Sedona, Tempe, Tucson, and Yuma, Ariz.; Fort Smith, Ark.; Boulder, Colorado Springs, Denver, Englewood, Grand Junction, and Loveland, Colo.; Boise, Eureka, and Nampa, Idaho; Newton, Kan.; Monroe and New Orleans, La.; McComb, Miss.; Las Vegas and Reno, Nev.; Albuquerque, Gallup, Las Cruces, and Santa Fe, N. Mex.; Oklahoma City and Tulsa, Okla.; Beaverton, Corvallis, Eugene, Forest Grove, Gaston, Grants Pass, Hillsboro, McMinnville, Medford, Portland, Roseburg, Salem, Sandy, Springfield, Stayton, The Dalles, Tigard, Troutdale, West Linn, and White City, Oreg.; Amarillo, Big Spring, Bryan, Dallas, El Paso, Fort Worth, Galveston, Houston, Irving, Lubbock, Midland, Midlothian, Odessa, Saginaw, and San Antonio Tex.; Salt Lake City, Utah; Auburn, Bellevue, Blaine, Bothell, Camas, Centralia, Everett, Issaquah, Kent, Lakewood, Olympia, Puyallup, Redmond, Renton, Seattle, Spokane, Tacoma, Tumwater, Vancouver, and Yakima, Wash., and Cheyenne, Wyo.; (b) from Los Angeles Harbor, Calif., to Commerce, Calif.; (c) from Portland, Oreg., and Seattle, Wash., to Beaverton, Corvallis, Eugene, Forest Grove, Gaston, Grants Pass, Hillsboro, McMinnville, Medford, Portland, Roseburg, Salem, Sandy, Springfield, Stayton, The Dalles, Tigard, Troutdale, West Linn, and White City, Oreg.; Auburn, Bellevue, Blaine, Bothell, Camas, Centralia, Everett, Issaquah, Kent, Lakewood, Olympia, Puyallup, Redmond, Renton, Seattle, Spokane, Tacoma, Tumwater, Vancouver, and Yakima, Wash.; and (d) from New Orleans, La., Galveston, Tex., and Houston, Tex., to Birmingham, Ala.; Monroe, and New Orleans, La.; McComb, Miss.; Amarillo, Big Spring, Bryan, Dallas, El Paso, Fort Worth, Galveston, Houston, Irving, Lubbock, Midland, Midlothian, Odessa, Saginaw, and San Antonio, Tex.;

(2) *Flat glass products and mirrors and materials, equipment and supplies* utilized in the manufacture, sale, and distribution of flat glass products and mirrors, crated or uncrated, from Fort Smith, Ark.; Woodbridge, Conn.; Chi-

cago, and Elk Grove Village, Ill.; Cumberland, Md.; Carleton, Mich.; Crystal City, and St. Louis, Mo.; Pennsauken, N.J.; Henryetta, and Okmulgee, Okla.; Point Marion, Pa.; Greenland, and Kingsport, Tenn.; Dallas, Tex.; Clarksburg and Paden City, W. Va. to Commerce, Calif.; and (3) *returned, refused or rejected shipments* of the commodities described in (1) and (2) above, from the destination points specified above to their respective origin points, under a continuing contract, or contracts, with Downey Glass Co., Inc., its divisions and affiliates, restricted against the transportation of commodities in bulk. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

MOTOR CARRIER OF PASSENGERS

No. MC 2890 (Sub-No. 43), filed August 27, 1971. Applicant: AMERICAN BUSLINES, INC., 300 South Broadway Avenue, Post Office Box 730, Wichita, KS 67201. Applicant's representative: C. Zimmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between the junction of U.S. Highways 30 and 138, 2 miles north of Big Springs, Nebr., and Sterling, Colo.; from the junction of U.S. Highways 30 and 138, 2 miles north of Big Springs, Nebr., over U.S. Highway 138 and access road to Interstate Highway 80 South interchange, thence over Interstate Highway 80 South and access road to Sterling, Colo., and return over the same route, serving all intermediate points. **NOTE:** Upon grant of this application, applicant requests authority to discontinue operations between Sterling, Colo., and Sidney, Nebr., over Colorado Highway 113 and Nebraska Highway 19, and further states that such discontinuance will necessarily also require revocation of applicant's alternate route authority in MC 2890 (Sub-No. 39). Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 78374 (Sub-No. 13), filed August 18, 1971. Applicant: THE CONNECTICUT COMPANY, a corporation, 53 Vernon Street, Hartford, CT 06106. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round trip special operations, beginning and ending at Hartford and New Haven, Conn., and extending to the site of Schaefer Stadium, Foxboro, Mass. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Hartford or New Haven, Conn.

No. MC 114271 (Sub-No. 9), filed August 12, 1971. Applicant: CONTINENTAL CRESCENT LINES, INC., 908 North

13th Street, Birmingham, AL 35203. Applicant's representative: D. Paul Stafford, 315 Continental Avenue, Dallas, TX 75207. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers; (1) Between Birmingham, Ala., and junction Interstate Highway 20 and U.S. Highway 78, from Birmingham, Ala., over Interstate Highway 20 to junction U.S. Highway 78 at a point east of Leeds, Ala., and return over the same route, serving all intermediate points; (2) between junction Interstate Highway 20 and U.S. Highway 78, from junction Interstate Highway 20 and U.S. Highway 78 at a point west of Pell City, Ala., over Interstate Highway 20 to Atlanta, Ga., and return over the same route, serving all intermediate points (except those between junction Interstate Highway 20 with Alabama Highway 21 near Oxford, Ala., and junction Interstate Highway 20 with Georgia Highway 6 south of Austell, Ga.); (3) between Anniston, Ala., and junction Alabama Highway 21 and Interstate Highway 20, from Anniston, Ala., over Alabama Highway 21 to junction Interstate Highway 20, and return over the same route serving all intermediate points; (4) between Douglasville, Ala., and junction U.S. Highway 78 and Georgia Highway 5, from Douglasville, Ala., over U.S. Highway 78 to junction Georgia Highway 5 to junction Interstate Highway 20, and return over the same route for joinder only; (5) between Douglasville, Ala., and junction Georgia Highway 92 and Interstate Highway 20, from Douglasville, Ala., over Georgia Highway 92 to junction Interstate Highway 20, and return over the same route, for joinder only;

And (6) between Austell, Ga., and junction U.S. Highway 78 and Georgia Highway 6 and Interstate Highway 20, from Austell, Ga., over U.S. Highway 78 to junction Georgia Highway 6, thence over Georgia Highway 6 to junction Interstate Highway 20, and return over the same route, serving all intermediate points. **NOTE:** Applicant states it presently operates over Interstate Highway 20 between Birmingham, Ala., and Atlanta, Ga., pursuant to Deviation Notice 6 filed with the Commission. If the authority sought herein is granted, applicant will request that its deviation No. 6 be canceled. Applicant further states that the instant application is filed pursuant to the Commission's Superhighway Rules—*Motor Common Carriers of Passengers*, 49 CFR 1042. Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 116165 (Sub-No. 5) (Amendment), filed August 10, 1971, published FEDERAL REGISTER issue of September 10, 1971, amended and republished as amended this issue. Applicant: MURRAY HILL LIMOUSINE SERVICE, LTD., 1380 Barre Street, Montreal, Canada. Applicant's representative:

Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between the international boundary at or near Champlain, N.Y., and New York, N.Y. with service to the intermediate points of Plattsburgh, Lake George, Glens Falls, Saratoga Springs, and Albany, N.Y., and Paramus, N.J.: (1) From the international boundary line at or near Champlain, N.Y., over U.S. Interstate Highway 87 to junction Garden State Parkway, thence over Garden State Parkway to junction New Jersey Highway 3, thence over New Jersey Highway 3 to the Lincoln Tunnel, thence through said Lincoln Tunnel to New York, N.Y., and return over the same route, restricted to the transportation of passengers and their baggage moving in foreign commerce originating at or destined to points in Canada, and (2) From the international boundary at or near Champlain, N.Y., over U.S. Interstate Highway 87 to the junction of New York Highway 17, thence over New York Highway 17 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction New Jersey Highway 4, thence over New Jersey Highway 4 to the George Washington Bridge, thence over the George Washington Bridge, to New York, N.Y., and return over the same route. Note: The purpose of this republication is to delete the off-route points in part (1) above, and to add item (2), thereby broadening the territorial scope. If a hearing is deemed necessary, applicant requests it be held at Montreal, Quebec, Canada, and Albany, and New York, N.Y.

No. MC 119919 (Sub-No. 6), filed September 3, 1971. Applicant: BLAINE ALBERT WILLETS, doing business as WILLETT'S CHARTER SERVICE, Box 29, Frostburg, MD. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Washington County, Md., and extending to points in the United States, including Alaska (but excluding Hawaii). Note: If a hearing is deemed necessary, applicant requests it be held at Hagerstown, Md.

No. MC 135374 (Sub-No. 1), filed August 16, 1971. Applicant: IMPALA COACH LINES LTD., 2219 Government Street, Penticton, BC, Canada. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver, BC, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage in charter operations*, beginning and ending at ports of entry on the international boundary line between the United States and Canada

located in Washington and extending to points in Washington, Oregon, California, Nevada, Arizona, and Idaho. Note: If a hearing is deemed necessary, applicant requests it be held at Seattle, or Spokane, Wash.

No. MC 135408 (Sub-No. 1), filed September 16, 1971. Applicant: WHITE PLAINS BUS COMPANY, INC., 91 Fulton Street, White Plains, NY 10601. Applicant's representative: Garrison R. Corwin, Jr., 35 Hillcrest Road, Hartsdale, NY 10530. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between White Plains, N.Y., Railroad Station, Harlem Division, Penn Central Railroad, and the office building of American Can Co., at Greenwich, Conn., under contract with American Can Co. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135567 (Sub-No. 2), filed September 3, 1971. Applicant: VIRGINIA STAGE LINES, INCORPORATED, 114 Fourth Street SE., Charlottesville, VA 22901. Applicant's representative: James E. Wilson, Suite 1032 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Portsmouth and Ironton, Ohio, Kenova, Fort Gay, Kermit, Williamson, Gilbert, Ineger, Welch, Bluefield, and Princeton, W. Va.; Pearisburg, Dublin, Radford, Christiansburg, Roanoke, Bedford, Lynchburg, Appomattox, Farmville, Crewe, Blackstone, Petersburg, Wakefield, Suffolk, Portsmouth, and Norfolk, Va., under contract with the Norfolk & Western Railway Co., restricted to the transportation of employees of the Norfolk & Western Railway Co. Note: Applicant presently also holds common carrier authority under MC 59238 and subs thereunder. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130157, filed September 7, 1971. Applicant: RICHARD MORGAN, 5410 North Wyandotte, Kansas City, MO 64118. Applicant's representative: Tom B. Kretsinger, Suite 450 Professional Building, 1103 Grand Avenue, Kansas City, MO 64106. For a license (BMC-4) to engage in operations as a *broker* at Kansas City, Mo., in arranging for transportation in interstate or foreign commerce, of commodities generally (except classes A and B explosives), (1) between points in Arkansas, Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma; and (2) between States in (1) above, on the one hand, and, on the other, points in the United States (except Hawaii).

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 120562 (Sub-No. 4), filed September 23, 1971. Applicant: O. K.

TRANSFER AND STORAGE COMPANY OF LAWTON, 202 East D Avenue, Lawton, OK 73501. Applicant's representative: Walter F. Young (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and unaccompanied baggage*, between points in Ellis and Murray Counties, Okla., and points in Childress, Collinsworth, Donley, and Hall Counties, Tex., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. Note: Applicant states that the requested authority will be joined with its existing authority under MC 120562 (Sub-No. 1), wherein applicant is authorized to serve points in Oklahoma.

No. MC 44770 (Sub-No. 14), filed August 20, 1971. Applicant: ZEPHYR LINES, INCORPORATED, 1114 Currie Street, Minneapolis, MN. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Building, Saint Paul, MN 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip special or charter service beginning and ending at localities served by applicant in regular route authority (No. MC 44770 Sub 13 set forth below) said service to all points in the United States and to points in Canada from all points of entry on the boundary lines between Canada and the United States: (1) Between Minneapolis, and Canby, Minn., serving all intermediate points; from Minneapolis over Minnesota Highway 7 to junction Minnesota Highway 41, thence over Minnesota Highway 41 to junction Minnesota Highway 5, thence over Minnesota Highway 5 to Gaylord, Minn., thence over Minnesota Highway 19 to Marshall, Minn., thence over Minnesota Highway 68 to Canby, and return over the same route; (2) between Minneapolis, Minn., and Watertown, S. Dak., serving all intermediate points: From Minneapolis over U.S. Highway 212 to Watertown, and return over the same route; (3) between Madison, Minn., and junction U.S. Highways 212 and 75, serving all intermediate points: From Madison over U.S. Highway 75 to junction U.S. Highway 212, and return over the same route; (4) between St. Paul, Minn., and Webster, Wis., serving all intermediate points: From St. Paul over U.S. Highway 61 to Forest Lake, Minn., thence over U.S. Highway 8 to junction Wisconsin Highway 35, thence over Wisconsin Highway 35 to Webster, Wis., and return over the same route; (5) between junction Minnesota-Wisconsin State line and Interstate Highway 94, and junction Wisconsin Highway 65 and Interstate Highway 94 near Roberts, Wis., serving all intermediate points: From junction Minnesota-Wisconsin State line and Interstate Highway 94, over Interstate

Highway 94 to junction Wisconsin Highway 65, and return over the same route;

(6) Between junction Wisconsin Highway 65 and Interstate Highway 94, and Star Prairie, Wis., serving all intermediate points: From junction Wisconsin Highway 65 and Interstate Highway 94, over Wisconsin Highway 65 to Star Prairie, and return over the same route; (7) between Star Prairie, Wis., and Deer Park, Wis., serving all intermediate points: From Star Prairie over St. Croix County Highway H to Deer Park, and return over the same route; (8) between Deer Park, Wis., and junction U.S. Highway 8 and Wisconsin Highway 46, serving all intermediate points: From Deer Park over Wisconsin Highway 46 to junction U.S. Highway 8, and return over the same route; (9) between junction U.S. Highway 8 and Wisconsin Highway 35, and Cameron, Wis., serving all intermediate points: From junction U.S. Highway 8 and Wisconsin Highway 35, over U.S. Highway 8 to Cameron, and return over the same route; and (10) between Cameron, and Rice Lake, Wis., serving all intermediate points: From Cameron over Wisconsin Highway 53 to Rice Lake, and return over the same route. NOTE: Applicant states the purpose of the application is to include charter service under its authority in MC 44770 Sub. 13, and all authority will be exercised all during the year.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-15011 Filed 10-14-71;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[TD. 71-260]

WHITE OR IRISH POTATOES, OTHER THAN CERTIFIED SEED

Tariff-Rate Quota

OCTOBER 7, 1971.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to item 137.25, Tariff Schedules of the United States, for the 12-month period beginning September 15, 1971, is 45 million pounds.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1971, made by the U.S. Department of Agriculture as of September 1, 1971, was 31,424,200,000 pounds.

In accordance with headnote 2, part 8A, of schedule 1, Tariff Schedules of the United States, the quantity is not increased because the estimated production is greater than 21 billion pounds.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

[FR Doc.71-15072 Filed 10-14-71;8:50 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 016388]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands; Correction

OCTOBER 19, 1971.

In F.R. Doc. 71-12501 appearing in the issue of Thursday, August 26, 1971, the following corrections should be made:

1. The land description in Sec. 26, T. 41 N., R. 4 E., should read: E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

2. The land description in Sec. 19, T. 41 N., R. 5 E., should read: lot 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ of lot 2;

3. The land description in Sec. 28, T. 41 N., R. 5 E., should read: S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

RICHARD H. PETRIE,
Chief,

Division of Technical Services.

[FR Doc.71-15028 Filed 10-14-71;8:46 am]

[Montana 19726]

MONTANA

Order Providing for the Opening of Public Lands

OCTOBER 7, 1971.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following lands have been conveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 28 N., R. 30 E.,
Sec. 29, S $\frac{1}{2}$;
Sec. 32, N $\frac{1}{2}$.

The land described contains 640 acres.

2. The land is located in Phillips County, approximately 14 miles south of Malta. The land lies adjacent to other public land and is primarily useful for grazing. The public lands in this area have been classified for multiple use management and retention in Federal ownership and are not open to application under the agricultural land laws (43 U.S.C. Ch. 7 and 9; 25 U.S.C. 334) or to sale under section 2455 of the Revised Statutes (43 U.S.C. 1171).

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location, and selection. All valid applications received at or prior to 10 a.m., November 12, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the lands were not exchanged and their status is not affected by this order.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, 316 North 26th Street, Billings, MT 59101.

ROLAND F. LEE,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.71-15029 Filed 10-14-71;8:46 am]

National Park Service

BANDELLER NATIONAL MONUMENT, N. MEX.

Suitability as Wilderness; Public Hearing

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132) and in accordance with departmental procedures as identified in 43 CFR 19.5 that a public hearing will be held beginning at 1 p.m. on December 18, 1971, in the Bandelier Room, Los Alamos Inn, 2201 Trinity Drive, Los Alamos, NM, for the purpose of receiving comments and suggestions as to the suitability of lands within Bandelier National Monument for designation as wilderness. The monument is located in Los Alamos, Santa Fe, and Sandoval Counties, N. Mex.

A packet containing a draft master plan, a map depicting the roadless area studied, and providing additional information about the suitability study may be obtained from the Superintendent, Bandelier National Monument, Los Alamos, New Mexico 87544, or from the Director, Southwest Region, National Park Service, Old Santa Fe Trail, Box 728, Santa Fe, NM 87501.

A description and a map of the area studied for its suitability or nonsuitability as wilderness are available for review in the above offices and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, DC.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer, in care of the Superintendent, Bandelier National Monument, Los Alamos, N. Mex. 87544, by December 15 of their desire to appear. Those not wishing to appear in person may submit written statements on the suitability study to the Hearing Officer, at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be

submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements.

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State legislature.
4. Official representatives of the counties in which the proposed wilderness is located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

THOMAS FLYNN,
Deputy Director,
National Park Service.

OCTOBER 4, 1971.

[FR Doc.71-14893 Filed 10-14-71;8:45 am]

Office of Hearings and Appeals

[Docket No. M 72-9]

NORTH CAMP MINING CO.

Notice Regarding Petition for Modification of Interim Mandatory Safety Standard

In regard petition of North Camp Mining Co. for modification of an Interim Mandatory Safety Standard (section 311(g) of the Act as implemented by section 75.1103-1 of the regulations prescribed by the Secretary), Docket No. M 72-9, No. 3 Mine.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 871(g) (Supp. V 1970) notice is hereby given that North Camp Mining Co. (petitioner) has filed a petition to modify the application of section 311(g) of the Act as implemented by § 75.1103-1 of the regulations prescribed by the Secretary, with respect to its No. 3 Mine. Section 75.1103-1 of the regulations provides as follows:

A fire sensor system shall be installed on each underground belt conveyor. Sensors so installed shall be of a type which will (a) give warning automatically when a fire occurs on or near such belt; (b) provide both audible and visual signals that permit rapid location of the fire.

Petitioner proposes that said mine be excepted from the application of the re-

quirements of section 311(g) of the Act as implemented by § 75.1103-1 of the regulations prescribed by the Secretary, on the ground that the life expectancy of the mine is estimated to be 1 year or less and at which time the mine is expected to be worked out.

Parties interested in this petition shall file their answer or comments and, if they wish a hearing, their request for one, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director.

OCTOBER 6, 1971.

[FR Doc.71-15080 Filed 10-14-71;8:50 am]

[Docket No. M 71-26]

SAHARA COAL CO., INC.

Notice Regarding Petition for Modification of Interim Safety Standard

In regard petition of Sahara Coal Co., Inc., for modification of an Interim Mandatory Safety Standard (section 305(d) of the Act), Docket No. M 71-26, Mine No. 20.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 865(c)) (Supp. V, 1970), notice is hereby given that Sahara Coal Co., Inc. (petitioner), has filed a petition to modify the application of section 305(d) of the Act, with respect to its Mine No. 20 located near Harrisburg, in Saline County, Ill. Section 305(d) of the Act provides as follows:

All power-connection points, except where permissible power-connection units are used, outby the last open crosscut shall be in intake air.

Petitioner requests that the application of section 305(d) to Mine No. 20 be modified by permitting Sahara to use non-permissible power connection points outby the last open crosscut in return air, on the condition that a methane monitor, or other device for detecting concentrations of methane gas, be installed in such return airways, which device shall be set to deenergize automatically all nonpermissible power connection points in return air and/or give a warning automatically when the concentration of methane reaches a predetermined level. Petitioner states that the application of section 305(d) will result in a diminution of safety to the miners in such mine.

Parties interested in this petition shall file their answers or comments and, if they wish a hearing, their request for one, within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA

22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director.

OCTOBER 6, 1971.

[FR Doc.71-15031 Filed 10-14-71;8:51 am]

Office of the Secretary

PROPOSED OIL SHALE RETORT RESEARCH PROJECT, ANVIL POINTS, COLO.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Mines, Department of the Interior has prepared a draft environmental statement concerning a proposal by Development Engineering, Inc., of Denver, Colo., for reactivation, under a lease for research purposes, of its Anvil Points Oil Shale Research Facility near Rifle, Colo. Written comments are invited for a period of sixty (60) days after the date of publication of this notice.

The research proposed to be conducted includes the construction of a vertical kiln retort and the mining, crushing, retorting, and disposal of probably no more than 600,000 tons of oil shale. Research would also be conducted on techniques of waste management.

Single copies of the draft statement are available from:

Director, Bureau of Mines, room 4614, Department of the Interior, Washington, D.C. 20240
Research Director, Denver Mining Research Center, Bureau of Mines, Denver, Colo. 80215
Research Director, Laramie Energy Research Center, Bureau of Mines, Laramie, Wyo. 82070

Dated: October 13, 1971.

W. W. LYONS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.71-15131 Filed 10-14-71;8:52 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to continue or initiate the annual surveys listed below for the year 1971 and for each year thereafter, under the authority of title 13, United States Code, sections 181, 224, and 225. These surveys, most of which have been conducted for many years, are significant in the manufacturing area and on the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public and industry and are not

available from nongovernmental or other governmental sources.

The establishments covered by these surveys directly account for the bulk of all manufacturing employment. The information to be developed from these surveys is necessary to an adequate measurement of total industrial production. Government agencies need data on the output of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have all requested such data in the interest of business efficiency and stability.

Such surveys, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys.

The surveys have been arranged under major group headings shown in the revised Standard Industrial Classification Manual (1967 edition) promulgated by the Office of Management and Budget for the use of Federal statistical agencies.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Cotton and synthetic woven goods finished.
Narrow fabrics.
Knit cloth.
Woolen and worsted machinery activity.
Yarn production.
Rugs, carpets, and carpeting.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.
Apparel.
Brassieres, corsets, and allied garments.
Sheets, pillowcases, and towels.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.
Softwood plywood.
Lumber.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.
Industrial gases.
Inorganic chemicals.
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Consumer, scientific, technical, and industrial glassware.
Fibrous glass.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Commercial steel forgings.
Steel mill products.
Insulated wire and cable.
Magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Steel power boilers.
Heating and cooking equipment.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Fans, blowers, and unit heaters.
Internal combustion engines.
Tractors.
Farm machines and equipment.
Mining machinery and equipment.
Air-conditioning and refrigeration equipment.
Office, computing, and accounting machines.
Pumps and compressors.
Selected air pollution control equipment.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, television, and phonographs.
Motors and generators.
Wiring devices and supplies.
Switchgear, switchboard apparatus, relays, and industrial controls.
Selected electronic and associated products.
Electric housewares and fans.
Electric lighting fixtures.
Major household appliances.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft propellers.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS: PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products.
Atomic energy products and services.

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports except for construction machinery which will additionally call for data on shipments of power cranes and shovels, concrete mixers, and attachments for contractors' off-highway-type tractors. Also, reports on manmade fiber, silk, woolen, and worsted fabrics, on finishing plants, and on piece goods inventories listed below will call for information relating to the monthly fluctuations of stocks and unfilled orders for woven fabrics in addition to the annual production data.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.
Confectionery products.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Manmade fiber, silk, woolen, and worsted fabrics.
Finishing plant report—broad woven fabrics.
Piece goods inventories and orders.
Broad woven goods (cotton, wool, silk, and synthetic).
Consumption of wool and other fibers, and production of tops and nolls.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Consumers of wood pulp.
Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Superphosphates.
Paint, varnish, and lacquer.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics bottles.
Rubber.
Thermoplastics pipe, tube, and fittings.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Flat glass.
Glass containers.
Refractories.
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.
Iron and steel foundries.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.
Steel shipping barrels, drums, and pails.
Closures for containers.
Metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.
Metalworking machinery.
Typewriters.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.
Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.
Complete aircraft.
Backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts.
Truck trailers.

The Annual Survey of Manufacturers will be conducted and will call for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, gross book value of fixed assets, rental payments, supplemental labor costs, etc., in addition to information on value of products shipped and quantity data for selected classes of products and quantity and cost of selected fuels used. This survey, while conducted on a sample basis, will cover all manufacturing industries. Data on employment, payrolls, and inventories for auxiliary establishments of manufacturing companies such as central administrative offices, manufacturers' sales branches, warehouses, etc., will be included, as well as data on plants under construction but not in operation.

A survey of research and development costs will be conducted also. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company.

In addition, a survey on shipments to, or receipts for work done for, Federal Government agencies and their contractors and suppliers is planned. This survey has been conducted annually since 1966. It is designed to provide information on the impact of Federal procurement on selected industries and on the economy of States, standard metropolitan statistical areas, and geographic regions.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Census Bureau within 30 days after the date of this publication and will receive consideration.

Dated: October 8, 1971.

GEORGE H. BROWN,
Director,
Bureau of the Census.

[FR Doc.71-15094 Filed 10-14-71;8:52 am]

National Oceanic and Atmospheric Administration

[Docket No. C-518]

ALLEN P. COLUDROVICH, SR., AND
ANTHONY COLUDROVICH III

Notice of Loan Application

OCTOBER 7, 1971.

Allen P. Coludrovich, Sr., and Anthony Coludrovich III, Post Office Box 24, Boothville, LA 70038, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 48 feet in length, to engage in the fisheries for shrimp, red drum, spotted sea trout, and oysters.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.71-15031 Filed 10-14-71;8:46 am]

[Docket No. G-519]

CARL WILLIAM LONG

Notice of Loan Application

OCTOBER 7, 1971.

Carl William Long, 623 Temple Street, New Smyrna Beach, FL 32069, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new fiber glass vessel, about 44 feet in length, to engage in the fishery for shrimp.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.71-15032 Filed 10-14-71;8:46 am]

Office of the Secretary

[Dept. Administrative Order 201-9]

CONSULTATIONS WITH STATE AND LOCAL GOVERNMENT IN DEVELOPMENT OF FEDERAL REGULATIONS

Procedures

The following order was issued by the Secretary of Commerce effective September 27, 1971.

SECTION 1. *Purpose.* This order prescribes procedures that shall apply in carrying out the provisions of OMB Circular No. A-85, "Consultation with heads of State and local governments in development of Federal regulations." The "Circular" (Appendix A to this order), requires that State and local governments be given a reasonable opportunity to comment on proposed major regulations, major interagency agreements, and major organizational changes which have significant and nationwide effect on them. It provides for assistance by the Advisory Commission on Intergovernmental Relations (ACIR) in arranging to obtain State and local advice and comment on such matters.

SEC. 2. *Responsibilities.* .01 The Assistant Secretary for Administration shall continue to be responsible for seeing that the provisions of the Circular

are carried out. The Departmental Office of Management and Organization (OMO) shall assist the Assistant Secretary for Administration and shall serve as the point of contact for operating units seeking guidance on the provisions of the Circular or this order.

.02 The head of each primary operating unit shall be responsible for (a) determining the applicability of the requirements of the Circular to regulations, interagency agreements, and organizational changes that he proposes be issued, signed, or approved relating to the functions under him, and (b) for processing such proposed actions so as to meet the requirements provided herein.

SEC. 3. *Coverage.* Paragraph 4 of the Circular indicates the kinds of materials that are intended to be covered by the requirements of the Circular. Operating units should be guided by the following supplementary instructions:

a. Regulations means any rules, regulations, standards, procedures, and guidelines proposed to be issued that will likely have the indicated effect on State and local governments. These are required to be published in the FEDERAL REGISTER, either as part of the Code of Federal Regulations (for general or permanent regulations) or in other appropriate form.

b. Interagency agreements which will likely have the indicated effect on State and local governments come under the requirements regardless of the organizational levels of the signing officials.

c. Organizational changes which come under the requirements are limited to changes in Department Organization Orders, provided such changes will likely have the indicated effect on State and local governments.

SEC. 4. *Procedures.*—.01 *Regulations.*

a. For applicable regulations that the head of an operating unit is authorized to issue, he, or his designee, shall submit the proposed regulations directly to the ACIR in the manner specified in subparagraph 5.a of the Circular. The operating unit shall also send one copy of the complete transmittal to the Director, OMO.

b. For applicable regulations beyond the authority of the head of an operating unit to issue over his own signature, the operating unit head shall first obtain appropriate departmental clearances before proceeding as provided in subparagraph a above.

c. Following submission to ACIR, the operating unit shall take subsequent actions concerning the proposed regulations in accord with the procedures specified in the Circular. For regulations not within the authority of the operating unit head to issue over his signature, he shall consult with the appropriate departmental official or officials before rejecting any major change suggested by a State or local government association. The operating unit shall send to OMO a copy of the notification of rejection to an association of any major change it suggested.

d. Upon issuance of the final regulations, the operating unit shall send a copy to OMO together with a summary of the actions taken with respect to comments received or meetings held following ACIR referrals.

.02 *Interagency agreements.* Because of the infrequency and special nature of interagency agreements, a general procedure for handling applicable proposed agreements is not being specified. Line or staff officials principally responsible for initiating such agreements or collaborating with other agencies in drawing up such agreements shall process such agreements in coordination with the other agency or agencies involved in a manner that will comply with the spirit of the Circular as well as with its procedural requirements. The official of the Department who will ultimately sign the prospective agreement shall be fully apprised by the submitting office of the actions taken and of the disposition or proposed disposition of suggested major changes received in connection with observing the consultation requirements of the Circular. The office initiating or otherwise principally responsible for the prospective agreement within Commerce shall send OMO a copy of all significant communications concerning the agreement as pertains to the requirements of the Circular, so that upon completion of the matter OMO will have, in effect, a complete summary history of compliance with the Circular.

.03 *Organizational changes.* a. For planned applicable organizational changes, the head of the operating unit proposing the change shall submit the proposed change to OMO for appropriate departmental clearances prior to submission of the proposed change to ACIR. The submission to OMO should be in the form of a statement, ultimately to go to ACIR, that is sufficiently descriptive of the existing structure and the nature of the planned change and its likely significant and nationwide impact on State and local governments as will enable such organizations to understand the import of the proposed change. Draft amendments or revisions to Department Organization Orders need not be submitted with the statement, although the submitting office may elect to do so if such will facilitate understanding the nature and significance of the proposed change.

b. Upon receipt of notice of departmental clearance from OMO, the operating unit shall submit the statement of the proposed change to ACIR in the manner specified in subparagraph 5.a of the Circular, and shall send a copy of the transmittal to OMO.

c. Comments received for consideration following ACIR referrals or in connection with such meetings on the matter as ACIR may arrange shall be reviewed by the operating unit head who shall, if he proposes not to accept any major suggestion received, prepare the notification letter or letters required by subparagraph 5.e of the Circular. He shall submit each proposed notification letter to OMO,

with appropriate explanation, for departmental clearance prior to signing and dispatching the letter to the addressee. Unless a meeting is then requested as provided in subparagraph 5.e of the Circular, the operating unit may then submit the proposed change to the appropriate Department Organization Order in accord with established procedures for changing such orders.

d. In all cases where a referral to ACIR was involved, the operating unit shall, upon submitting to the Office of the Secretary a proposed amendment or revision to a Department Organization Order, summarize in the submission the results or proposed final actions to be taken on any suggestions received for major organization changes.

e. In connection with proposed organizational changes referred to ACIR, operating units should consult with appropriate units in the Office of the Secretary to work out ad hoc collaborative arrangements, supplementary to the procedure set forth herein, to facilitate consideration of suggestions that may be received and compliance with requirements of the Circular.

Effective date: September 27, 1971.

LARRY A. JOBE,

Assistant Secretary for Administration.

APPENDIX A

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

[Circular No. A-85; Rev.]

JANUARY 20, 1971.

To the heads of executive departments and establishments:

Subject: Consultation with heads of State and local governments in development of Federal regulations.

1. *Purpose.* This circular, in accordance with certain general purposes of title IV of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), provides that the chief executives of State and local governments will be given a reasonable opportunity to comment on major proposed Federal rules, regulations, standards, procedures, and guidelines (hereafter called regulations), major interagency agreements concerning program operations and major organizational changes, any of which have a significant and nationwide effect on State and local governments. This circular also provides for assistance by the Advisory Commission on Intergovernmental Relations (ACIR) in arranging to obtain State and local advice and comment on such matters, in cooperation with State and local general government associations. Circular No. A-85, dated June 28, 1967, is superseded by this revision.

2. *Background.* Federal agencies administering assistance and other programs affecting State and local government normally issue regulations under which those programs are administered. These regulations may affect the conduct of State and local affairs, including management and organization, planning, program adjustments, and fiscal and administrative systems. Federal requirements may not be consistent among Federal agencies or permit needed flexibility for State and local governments. Heads of State and local governments, therefore, should be afforded an opportunity to comment on Federal regulations prior to issuance and certain Federal interagency agreements and organizational changes prior to implementation.

3. *Policies.* Agencies will be guided, to the fullest practical extent consistent with Federal laws, by the following practices:

a. Whenever possible, agencies should engage in necessary consultation well in advance of the formal development and submittal of materials under this circular so as to minimize the need for extensive review and discussion at the final stages of the development of regulations.

b. The central coordinating role of heads of State and local governments, including their role of initiating and developing State, regional, and local programs, will be supported and strengthened.

c. Federal regulations should not hamper the heads of State and local governments in providing effective organizational and administrative arrangements and in developing planning, budgetary, and fiscal procedures responsive to needs.

d. Duplication of reporting requirements and controls which are established by State and local governments will be avoided, and Federal agencies should rely wherever possible on internal or independent audits performed at the State or local level as provided in Circular No. A-73, dated August 4, 1966.

e. Except as may be required by law or special circumstances, agency regulations dealing with like matters (e.g., allowable costs, definitions of like terms, and procedures and information needed for determining eligibility in like cases) will be consistent both internally and with practices of other agencies.

4. *Coverage.* This circular applies to major agency regulations and revisions thereof, major interagency agreements concerning program operations and major organizational changes, any of which have a significant and nationwide effect on State and local governments, including quasi-public agencies (e.g., urban renewal agencies), and which directly affect one or more of the following:

- a. Interstate relationships;
- b. Intergovernmental relationships (e.g., State-local and interlocal);
- c. Types of eligible recipients;
- d. Designations of agencies within State or local governments;
- e. Requirements affecting State or local personnel practices;
- f. Organizational, planning, or fiscal activities of State and other governments; and
- g. Roles and functions of heads of State or local governments.

5. *Procedures for informing State and local government associations of proposed new or revised regulations, and significant organization changes having a nationwide effect.*

a. The issuing agency will provide to the ACIR at least 20 copies and summaries of the proposed regulation or proposed organization change (in the case of interagency agreements, one of the parties to the agreement will take the lead in providing the necessary copies). This should be done not less than 45 days and, if practical, 60 days before the intended date of promulgation. Also, this should generally be done in advance of publication of proposed regulations in the FEDERAL REGISTER, although it may be necessary in some circumstances to have such publication occur simultaneously with or prior to the completion of the review process provided for in this Circular. If special legal or other circumstances do not permit at least 45 days for such notice and comment, the agency will advise the ACIR of the time available and provide at least 60 copies of a summary on abstract in lieu of the full draft text of the regulation. Such summaries should describe the nature and significance of any changes in existing policies affecting State and local governments.

b. The ACIR will promptly transmit copies of the agency materials to each of the following State and local government associations: National Governors' Conference, Council of

State Governments, International City Management Association, National Association of Counties, National League of Cities, and United States Conference of Mayors. Other groups representing central management units may be sent copies of material of concern to them. ACIR will also transmit a copy to the Office of Management and Budget.

c. Unless an earlier response is essential, the State and local government associations will be given a minimum of 30 days after receiving agency materials in which to comment, addressing comments directly to the Federal agency concerned, and transmitting copies to the ACIR and the Office of Management and Budget.

d. If requested either by the Federal agency concerned or by a State or local government association, the ACIR will arrange a meeting between representatives of the agency and the association (along with State or local chief executives or their representatives, where desirable) to consider the comments offered on the proposed regulations or organization changes.

e. If the agency does not accept major changes suggested by a State or local government association, it will promptly notify the association in writing of its decision, and will send a copy of the notification to the ACIR and the Office of Management and Budget. Within 3 days of receipt of notification, the State or local government association may request the ACIR to arrange a prompt meeting between representatives of the agency and the association to consider modifications of the proposed regulations. ACIR will notify the Office of Management and Budget of such a meeting.

f. When appropriate and desirable, the Office of Intergovernmental Relations shall also be advised of, and participate in any discussions and meetings under this paragraph.

g. The agency will supply seven copies of the regulation, when issued in final form to the ACIR for distribution to the State and local government associations.

h. Each agency should promptly designate one official to see that these provisions are carried out, and inform the State and local government associations, the Office of Management and Budget and the ACIR of the name of the official.

6. *Additional functions of the ACIR.* a. The ACIR is prepared to assist agencies in developing new regulations covered by this circular and will assist in assuring that regulations dealing with like matters are consistent, as provided in paragraph 3(d).

b. By January 31 of each year, the ACIR will make a report to the Director of the Office of Management and Budget concerning operations under this circular during the preceding calendar year. Copies of the report will be furnished to each agency and the associations representing general units of State and local government.

7. *General considerations.* This circular deals only with limited aspects of intergovernmental consultation: The development of regulations and organizational changes which significantly affect State and local governments. The circular is not intended to limit the consultation process to these aspects of the intergovernmental problem. Well in advance of the stage of promulgating formal regulations or implementing significant organizational changes, consultation should be pursued actively with heads of State and local governments so that consultation need not be concentrated in a brief period prior to the proposed action. This is especially important in the case of new programs where consultation should include briefings on the nature and significance of such programs.

On the other hand, the circular is not intended to limit the ability of agencies to

carry out their mission responsibilities. It is not intended that all proposed regulations or revisions or organizational changes will be automatically channeled through the procedure called for in this circular; no purpose would be served by creating congestion and delay. Judgment must be exercised by the agencies and by the State and local governments in applying the circular and selectivity will be needed in determining which substantive and administrative regulations and organizational changes are significant enough to be put through the consultation arrangements.

This circular is addressed primarily to new regulations or revisions of existing Federal regulations. However, agencies will give consideration to requests from heads of State and local governments to review and revise regulations already in effect, and to consult on such regulations with such officials on request.

8. *Effective date.* The provisions of this circular become effective immediately.

GEORGE P. SHULTZ,
Director.

[FR Doc.71-15075 Filed 10-14-71;8:50 am]

[Dept. Organization Order No. 25-2]

MARITIME ADMINISTRATION

Organization and Functions

SEPTEMBER 28, 1971.

The following material supersedes the material appearing at 36 F.R. 9789 of May 28, 1971, and 36 F.R. 12636 of July 2, 1971.

SECTION 1. Purpose. This order prescribes the organization and assignment of functions within the Maritime Administration. The delegations of authority to the Assistant Secretary for Maritime Affairs and the Maritime Subsidy Board are set forth in Department Organization Order 10-8.

Sec. 2. Organization structure.

The organization structure and line of authority of the Maritime Administration shall be as depicted in the attached organization chart (Exhibit 1). (A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.)

Sec. 3. Office of the Assistant Secretary for Maritime Affairs. .01 The Assistant Secretary for Maritime Affairs (the "Assistant Secretary"), who is ex-officio Maritime Administrator, is the head of the Maritime Administration and serves as Chairman of the Maritime Subsidy Board.

.02 The Deputy Assistant Secretary for Maritime Affairs shall assist the Assistant Secretary in carrying out his responsibilities and perform such duties as the Assistant Secretary shall prescribe, together with the duties which he performs as a member of the Maritime Subsidy Board. In addition, he shall be the Acting Assistant Secretary during the absence or disability of the Assistant Secretary and, unless the Secretary of Commerce designates another person, during a vacancy in the office of the Assistant Secretary. He shall also be responsible for supervision and coordination of contract compliance activities and activities under Title VI of the Civil Rights Act of 1964.

.03 The Executive Staffs shall consist of the Secretary of the Maritime Admin-

istration who also serves as Secretary of the Maritime Subsidy Board, the hearing examiners, and officials concerned with other special services for the Assistant Secretary and the Maritime Subsidy Board.

Sec. 4. Maritime Subsidy Board. The Maritime Subsidy Board shall be responsible for and perform the following functions:

a. The functions with respect to making, amending, and terminating subsidy contracts, which shall be deemed to include, in the case of construction-differential subsidy, the contract for the construction, reconstruction or reconditioning of a vessel and the contract for the sale of the vessel to the subsidy applicant or the contract to pay a construction-differential subsidy and the cost of the national defense features, and, in the case of operating-differential subsidy, the contract with the subsidy applicant for the payment of the subsidy;

b. The functions with respect to: (1) Conducting hearings and making determinations antecedent to making, amending, and terminating subsidy contracts, under the provisions of titles V, VI, and VIII, and sections 301 (except investigations, hearings and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales, and minimum working conditions), 708, 805(a) and 805 (f) of the Merchant Marine Act, 1936, as amended (the Act), (2) making readjustments in determinations as to operating cost differentials under section 606 of the Act and (3) the approval of the sale, assignment, or transfer of any operating subsidy contract under section 608 of the Act;

c. The functions with respect to investigating and determining (1) the relative cost of construction of comparable vessels in the United States and foreign countries, (2) the relative cost of operating vessels under the registry of the United States and under foreign registry, and (3) the extent and character of aids and subsidies granted by foreign governments to their merchant marines, under the provisions of subsections (c), (d), and (e) of section 211 of the Act;

d. So much of the functions specified in section 12 of the Shipping Act, 1916, as amended, as the same relate to the functions of the Board under subparagraphs a. through c. of this paragraph; and

e. So much of the functions with respect to adopting rules and regulations, subpoenaing witnesses, administering oaths, taking evidence, and requiring the productions of books, papers, and documents, under sections 204 and 214 of the Act, as relate to the functions of the Board.

Sec. 5. Office of Policy and Plans. The Office of Policy and Plans shall develop and recommend long-range marine affairs policies and plans, including plans for the revitalization of the U.S. Merchant Marine; direct and coordinate the development and maintenance of plans for carrying out the Administration's responsibilities and functions in the event of mobilization for war or other national

emergency; conduct economic studies and operations research activities in support of the planning functions and recommend solutions to problems affecting shipping; develop and maintain the Planning-Programming-Budgeting System; formulate, recommend, and interpret budgetary policies and procedures; collaborate with operating officials in the development of fiscal plans and budget estimates; develop and present budget requests and justifications; allocate and maintain budgetary control of funds available; review status of funds and program performance in relation to fiscal plans; and review and evaluate operating programs to determine their effectiveness in accomplishing established goals and objectives.

Sec. 6. Office of the General Counsel. The Office of the General Counsel shall, subject to the overall authority of the Department's General Counsel as provided in Department Organization Order 10-6, serve as the law office of the Administration; review and give legal clearance to applications for subsidy and other Government aids to shipping, sales, mortgages, charters, and transfers of ships; prepare and approve as to form and legality, contracts, agreements, performance bonds, deeds, leases, general orders, and related documents; render legal opinions as to the interpretation of such documents and the statutes; prepare drafts of proposed legislation, executive orders, and legislative reports to Congressional committees and the Office of Management and Budget; negotiate and settle, or recommend settlement of, admiralty claims, just compensation claims, tort claims, and claims referred to the office for litigation; assist the Department of Justice in the trial, appeal and settlement of litigation; represent the Administration in public proceedings involving all shipping matters before administrative agencies of the Government, and in State and Federal courts; and handle court litigation in actions involving enforcement or defense of the jurisdiction, general orders, and regulations of the Administration.

Sec. 7. Office of Public Affairs. The Office of Public Affairs shall develop and coordinate a public information and publications program as needed to further the objectives of the Administration's programs; issue or clear for issuance all information for the general public on shipping and on decisions and activities of the Administration; and prepare periodic and special reports, as assigned.

Sec. 8. Office of Civil Rights. The Office of Civil Rights shall formulate and conduct programs to assure compliance by Federal contractors and subcontractors with Executive Orders 11246 and 11375 and related regulations, and applicants for and recipients of Federal financial assistance and their contractors and subcontractors with Title VI of the Civil Rights Act of 1964 and related regulations; plan and direct special programs to assure equal opportunity in employment in the ship and boat building and repair industries, water transportation industry, and related industries as assigned; provide assistance in com-

municating to minority communities the career opportunities available in the Merchant Marine; assist in the recruitment of qualified minority cadet candidates for the U.S. Merchant Marine Academy and assure equal opportunity for the Academy cadets; conduct compliance reviews of the civil rights and equal employment opportunity programs relating to Maritime Administration employees, and make recommendations for improvement.

Sec. 9. Office of International Activities. The Office of International Activities shall plan, conduct, and coordinate Maritime Administration's participation in intergovernmental and international organizations concerned with shipping matters; keep abreast of developments in the United States and foreign countries with a foreign relations impact that may affect the U.S. merchant marine; take and/or coordinate action to establish and present Maritime Administration's position in these matters. Within this Office are personnel responsible for representing the Maritime Administration in international activities, as assigned, for development of maritime foreign cost data, and other technical maritime activities in foreign countries.

Sec. 10. Office of the Assistant Administrator for Administration. The Assistant Administrator for Administration shall be the principal assistant and adviser to the Assistant Secretary on administrative services, personnel, management and organization matters. He shall direct the activities of the following organizational units:

.01 The Office of Administrative Services shall plan and establish national policies and programs for the conduct of facilities and supply management and office services activities, including material control and disposal of real and personal property, other than ships; administer the security program; settle loss or damage claims arising from shipments on Government bills of lading; secure allocations of the production capacity of private plants for the manufacture of components and materials required in the event of mobilization; administer programs for the management of mail, files, records equipment, vital records, and records disposition; and, for headquarters of the Maritime Administration, provide or obtain travel and office services, including space, communications, correspondence control, central files, and administrative property management services.

.02 The Office of Management and Organization shall conduct manpower surveys to determine staffing requirements for all components of the Administration; conduct surveys and studies to improve management practices, organization structures, delegations of authorities, procedures, and work methods; maintain a system for the issuance of the manual of orders and other directives; administer programs for the management of reports, forms, correspondence, and committee activities; coordinate the management improvement program; and prepare special prog-

ress and administrative reports to the Office of the Secretary and others, as required.

.03 The Office of Personnel shall plan and administer personnel programs and activities relating to recruitment, placement, promotion, separation, employee performance evaluation, training and career development, employee recognition and incentives, employee relations and services, employee-management relations, classification, pay management, and various employee benefit programs. This office shall also plan and administer the equal opportunity program for employment in the Maritime Administration.

Sec. 11. Office of the Assistant Administrator for Finance. The Assistant Administrator for Finance shall be the principal assistant and adviser to the Assistant Secretary on financial management, automatic data processing, and management information systems matters. He shall direct the activities of the following organization units:

.01 The Office of Management Information Systems shall plan and develop data processing and management information systems; develop systems and programs for the application of computer techniques; operate the electronic data processing facility, including auxiliary equipment; and plan, coordinate, and operate the Administration's management data and information center.

.02 The Office of Finance shall render financial advice and opinions; develop and maintain financial systems of the Administration; perform accounting functions, including maintenance of general accounts and related fiscal records, preparation of financial statements and reports, issuance of invoices, audit and certification of vouchers for payment; prescribe a uniform system of accounts for subsidized operators, agents, charterers, and other contractors; administer a program of external audits of contractors' accounts to determine compliance with applicable laws, regulations and contract provisions concerning costs and profits; maintain control records of statutory and contractual reserve funds; analyze financial statements and other data submitted by contractors to determine financial qualifications and limitations; take necessary action to effect collection of amounts due; administer the marine and marine war risk insurance programs; and negotiate, settle, or recommend settlement of, marine and war risk insurance claims.

Sec. 12. Office of the Assistant Administrator for Research and Development. The Assistant Administrator for Research and Development shall be the principal assistant and adviser to the Assistant Secretary on research and development programs. Within his office are personnel responsible for liaison with the Navy on the surface effect ship program. He shall direct the activities of the following organizational units:

.01 The Office of Maritime Technology shall develop, coordinate and manage programs to establish a scientific and technological base for achieving a more productive and competitive U.S.

Merchant Marine; initiate, solicit, develop and recommend specific projects, such as research in hydrodynamics, structures, and oceanographic subjects which have a bearing on improvements in the merchant marine, and institutional and university research in marine science and technology appropriate to maritime affairs; and negotiate and administer technical aspects of contracts in above areas.

.02 The Office of Advanced Ship Development shall develop, organize, coordinate and manage programs for the application of scientific and technological developments to improve ship systems, shipbuilding, ship machinery, equipment, and other components, with the objective of increasing the efficiency, productivity, and effectiveness of the U.S. Merchant Marine; initiate, solicit, develop, and recommend specific projects; and negotiate and administer technical aspects of contracts in these areas.

.03 The Office of Advanced Ship Operations shall develop, organize, coordinate, and manage programs for the application of scientific, technological, and other developments to upgrade the operational efficiency and competitive position of the U.S. Merchant Marine; develop, coordinate, and implement programs for the application of nuclear power to merchant ships; initiate, solicit, develop, and recommend specific projects in these areas, including navigation and communications, port and terminal operations, cargo handling, marine personnel requirements, automation, ship handling and other operational aspects of the ship; and negotiate and administer technical aspects of contracts in above areas.

.04 The National Maritime Research Center, located at the U.S. Merchant Marine Academy, Kings Point, N.Y., shall carry out assigned research programs for the Maritime Administration; serve as a test and evaluation center for appraising the effectiveness of proposed improvements for the Merchant Marine; and sponsor conferences and seminars on maritime research and related subjects.

SEC. 13. Office of the Assistant Administrator for Operations. The Assistant Administrator for Operations shall be the principal assistant and adviser to the Assistant Secretary on ship construction, ship operations, domestic shipping, port development, and intermodal transportation systems activities. Within his office are personnel responsible for the conduct of trial, acceptance, and guarantee surveys of ships. He shall direct the activities of the following organizational units:

.01 The Office of Ship Construction shall collect and analyze data on relative costs of shipbuilding in the United States and foreign countries; calculate and recommend the amount of construction-differential subsidy; develop preliminary designs establishing the basic characteristics of proposed ships; review and approve ship designs submitted by applicants for Government aid; recommend and, upon request, conduct research and

development projects in ship design and construction; develop or approve contract plans and specifications for the construction, reconstruction, conversion, reconversion, reconditioning and betterment of ships; review, obtain approval and certification of national defense features by the Department of the Navy; prepare cost estimates, invitations to bid, and recommendations for the award of ship construction-type contracts; administer ship construction contracts; provide naval architectural and engineering services in connection with construction of small special purpose ships for other Government agencies; approve designs, supervise construction and undertake final acceptance of fishing vessels constructed under Public Law 86-516, as amended; maintain current records of commercial shipyard ways in the United States; and develop requirements for mobilization ship construction programs. The Office of Ship Construction shall have the following divisions: Division of Ship Design, Division of Engineering, Division of Estimates, Division of Small Ships, and Division of Production.

.02 The Office of Domestic Shipping shall formulate and implement national policies and programs for the development and promotion of domestic waterborne commerce, including the Great Lakes, inland waterways, and noncontiguous, coastwise and intercoastal trade; conduct studies, formulate plans, and make recommendations to improve the competitive position and increase the utilization of the domestic waterborne transportation; give national program direction for maintenance and preservation of the national defense reserve fleet, and for the operation, maintenance and repair of Maritime Administration-owned or acquired merchant ships, conduct of ship condition surveys, and related activities; administer the ship sales and ship exchange programs; provide safety engineering services; approve or recommend approval of transfers of ships to foreign ownership, registry or flag; review and approve maintenance and repair costs for subsidy participation; and develop plans for the acquisition, allocation, and operation of merchant ships in time of national emergency and administer these activities as required. The Office of Domestic Shipping shall have the following divisions: Division of Domestic Ocean Shipping, Division of Great Lakes Shipping, Division of Inland Waterways, Division of Reserve Fleet, and Division of Ship Management.

.03 The Office of Ports and Intermodal Systems shall formulate national policies and programs, and conduct programs for the development and promotion of intermodal transportation systems; conduct studies and formulate plans for the promotion, development, and utilization of ports and port facilities; provide technical advice to other Government agencies, private industry and State and municipal governments in the above fields; and conduct emergency planning for the utilization and control of ports and port facilities under national mobilization conditions. The Office of Ports and Intermodal Systems

shall have the following divisions: Division of Ports, and Division of Intermodal Transport.

SEC. 14. Office of the Assistant Administrator for Maritime Aids. The Assistant Administrator for Maritime Aids shall be the principal assistant and adviser to the Assistant Secretary on subsidy administration, title XI mortgage insurance, and other Government aids programs, maritime manpower, and trade promotion activities. He shall direct the activities of the following organizational units:

.01 The Office of Subsidy Administration shall process applications for construction-differential subsidy, operating-differential subsidy, Federal Ship Mortgage and/or Loan Insurance, trade-in allowances, and other forms of Government aid to shipping; conduct negotiations with applicants, obtain comments of other offices and within delegated authority, approve or recommend approval or disapproval, and take other actions in relation to the award and the administration of aid contracts; administer Construction Reserve Funds and Capital Construction Funds; approve with the concurrence of the Office of Finance, actions relating to the administration of Special and Capital Reserve Funds; collect, analyze, and evaluate costs of operating ships under United States and foreign registry; calculate and recommend operating-differential subsidy rates; analyze and recommend trade route structure and service requirements of the ocean-borne commerce of the United States, and extent of foreign flag competition on essential trade routes; and collect, maintain, analyze, and disseminate statistical data on cargo and commodity movements in the ocean-borne commerce of the United States, composition of world's merchant fleets, and utilization of U.S.-flag ships. The Office of Subsidy Administration shall have the following divisions: Division of Subsidy Contracts, Division of Mortgage-Insurance Contracts, Division of Subsidy Rates, Division of Trade Studies, and Division of Statistics.

.02 The Office of Maritime Manpower shall analyze and advise the Administration regarding labor management relations and problems as they apply to seamen, longshoremen and shipyard workers, including labor trends, potential areas of dispute, and the effects of technological changes and proposed legislation on labor; develop plans in cooperation with the Department of Labor to provide reserve maritime manpower for mobilization and other emergencies; obtain, analyze, and publish data for use of industry, labor, Government and the public concerning maritime employment, wages, hours, manning, working conditions, and manpower requirements; process nominations for appointment of cadets to the U.S. Merchant Marine Academy; administer a grant-in-aid program for the State maritime academies; determine need for and coordinate training programs for licensed and unlicensed personnel in maritime industries; coordinate technical maritime training assistance to foreign countries

under international cooperative programs; and issue merchant marine decorations and awards. The Office of Maritime Manpower shall have the following divisions: Division of Labor Studies, Division of Manpower Development, and Division of Maritime Academies.

.03 The Office of Market Development shall formulate national policies and programs, and conduct programs for the promotion and development of increased trade for U.S.-flag ships in the foreign commerce of the United States; regulate, review and report on the administration of cargo preference activities under Public Law 664, 83d Congress, Public Resolution 17, 73d Congress, and other statutes, in accordance with Section 901 of the Merchant Marine Act, 1936, as amended; and calculate and recommend guideline rates, terms, and conditions for transportation of Government-financed cargoes.

Sec. 15. Field Organization. .01a. There shall be three field organizations called Regions, each headed by a Region Director, as specified below:

| Region | Headquarters location |
|----------------------|-----------------------|
| Eastern Region ----- | New York, N.Y. |
| Central Region ----- | New Orleans, La. |
| Western Region ----- | San Francisco, Calif. |

b. The Regions shall have geographic areas of responsibility as shown in Exhibit 2. (A copy of Exhibit 2 is on file with the original of this document with the Office of the Federal Register.)

c. The Region Directors shall be responsible for all field operations and programs of the Maritime Administration within their respective Regions, except ship construction and the U.S. Merchant Marine Academy, subject to national policies, determinations, procedures, and directives of the appropriate office chief in Washington, D.C. The programs and activities under their jurisdiction shall include the custody and preservation of ships in the national defense reserve fleet; operation, repair and maintenance of ships; marine inspections; training for marine personnel in radar, loran, etc.; accounting and external auditing; contract compliance activities, and activities to assure equal opportunity in employment in water transportation industries, as assigned; trade promotion; development of ports and intermodal transportation systems; procurement and disposal of property and supplies; facilities management; and administrative support activities.

.02 The U.S. Merchant Marine Academy, Kings Point, N.Y., shall develop and maintain programs for the training of U.S. citizens to become officers in the U.S. Merchant Marine.

Approved:

LARRY A. JOBE,
Assistant Secretary
for Administration.

[FR Doc.71-15064 Filed 10-14-71;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute for Occupational Safety and Health COAL MINE HEALTH

Health Standards for Surface Coal Mines and Surface Work Areas of Underground Mines; Findings of Fact

Section 101(g) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 811(g)), hereinafter referred to as the "Act," provides, in part, that within 60 days after completion of any public hearing on proposed mandatory health or safety standards, the Secretary who held the hearing shall make findings of fact which shall be public.

BACKGROUND

Proposed mandatory health standards for surface work areas of underground coal mines and surface coal mines were developed by the National Institute for Occupational Safety and Health pursuant to section 101 of the Act and transmitted to the Secretary of the Interior for publication in accordance with the Act. The standards were published under a notice of proposed rule making on January 7, 1971, at 36 F.R. 252, and interested persons were afforded a period of 45 days within which to submit written comments, suggestions, and objections and to request a public hearing. On June 29, 1971, the Secretary of the Interior, in accordance with section 101 (f) of the Act, published a notice (36 F.R. 12245) that objections to certain of the standards had been filed stating the grounds for such objections with sufficient particularity and that a public hearing had been requested. Following such notice, the Department of Health, Education, and Welfare published a notice of hearing (36 F.R. 13172) to be held for the purpose of receiving relevant evidence on the following issues:

Dust standards. (1) That the proposed 2 mg/m³ respirable dust standard in section 71.100 should not take effect on the effective date of the regulations and that a period of time should be permitted to achieve the standard. (2) That the requirement in § 71.106(d) that upon receipt of a notice of violation an operator shall take continuous samples until advised by the Bureau of Mines that compliance has been achieved be modified to permit the operator, after taking 10 samples, to cease sampling until notified by the Bureau of Mines that sampling is to be resumed. (3) That §§ 71.107 and 71.108 should be revised to permit annual sampling whenever a basic sample or a subsequent sample establishes a concentration of respirable dust which is 1 milligram or less per cubic meter of air.

Airborne contaminants. That the threshold limit values in the American

Conference of Governmental Industrial Hygienists publication be considered guidelines rather than standards.

Surface bathing facilities, change rooms, and sanitary toilet facilities. That operators not be required to meet specified requirements for above-ground bathing facilities, change rooms, and sanitary toilet facilities.

Sanitary toilet facilities at surface work sites. That operators of surface mines be required only to provide one approved sanitary toilet within 1,000 feet of each surface work site where miners are regularly employed.

Drinking water. That operators be required only to provide an adequate supply of potable water for drinking purposes and that such water be carried, stored, and otherwise protected in sanitary containers.

HEARING

The hearing on surface health standards was held on August 17, 1971, at the Department of Health, Education, and Welfare. Presentations were made by I. E. Buff, M.D., and the following organizations: United Mine Workers of America, U.S. Bureau of Mines, Independent Coal Operators Association, and Bituminous Coal Operators Association. A verbatim transcript of the proceeding is available for public inspection at the National Institute for Occupational Safety and Health, Room 10-05, Parklawn Building, 5600 Fishers Lane, Rockville, Md.

FINDINGS

On the basis of the evidence presented at the hearing and on other information available to the Department, the Director, National Institute for Occupational Safety and Health, pursuant to authority delegated from the Secretary and the Assistant Secretary (35 F.R. 11150), finds:

1. With respect to the 2.0 mg./m.³ dust standard, that:

(a) There is a causal relationship between exposure over a period of years to concentrations of respirable coal dust in excess of 2.0 milligrams of respirable dust per cubic meter of air (mg./m.³) and the development of coal workers' pneumoconiosis.

(b) Persons exposed over a period of years to concentrations of respirable coal dust of 2.0 mg./m.³ or less are not expected to develop pneumoconiosis.

(c) Technology exists for continuously maintaining the average concentrations of respirable dust at surface work sites and in surface installations of coal mines at or below 2.0 mg./m.³.

(d) A dust standard requiring coal mine operators to continuously maintain the average concentration of respirable dust at each surface work site and in each surface installation at 2.0 mg./m.³ or less is necessary for the prevention of pneumoconiosis and the protection of life of miners and is technically feasible.

2. With respect to continuous sampling, that:

(a) Where a working section of an underground mine fails to comply with the applicable respirable dust standard, the underground coal mine operator, pursuant to 30 CFR Part 70, is required to sample each shift as provided by section 104(i) of the Act until notified that a working section is in compliance with the respirable dust standard; continuous shift sampling is a costly procedure.

(b) There have been a number of delays in notifying operators when sections once in violation have been brought into compliance.

(c) From the experience gained in the underground mine dust sampling program, it is reasonable once a notice of violation is received to permit cessation of sampling in surface mines and surface work areas of underground mines after 15 samples have been taken from the working position in question, until another notice of noncompliance is received from the Bureau of Mines.

3. With respect to permitting annual sampling, that:

(a) In view of the finding that persons exposed over a period of years to concentrations of respirable coal mine dust of 2.0 mg./m.³ or less are not expected to develop pneumoconiosis, use of 0.5 mg./m.³ rather than 1.0 mg./m.³ as the breakpoint for annual sampling pursuant to sections 71.108 and 71.109 and semiannual sampling pursuant to section 71.107 does not afford an appreciable increase in health protection to the miner.

(b) Due to imprecisions in weighing and measuring dust, determinations

based upon measurements at the 0.5 milligram level are inadvisable.

4. With respect to airborne contaminants, that:

(a) The threshold limit values of airborne contaminants adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) represent conditions to which nearly all workers may be repeatedly exposed day after day without adverse effect.

(b) Compliance with such values is technically feasible.

(c) Adoption of the threshold limit values as adopted and applied by the ACGIH in "Threshold Limit Values of Airborne Contaminants" is necessary for the protection of life and the prevention of occupational diseases of miners.

5. With respect to surface bathing facilities, change rooms, and sanitary flush toilet facilities, that:

Operators of underground coal mines are presently required by 30 CFR Part 75 to provide surface bathing facilities, change rooms, and sanitary flush toilet facilities for the use of miners.

6. With respect to sanitary toilet facilities at surface work sites and drinking water, that:

(a) While the availability of an adequate supply of safe drinking water and the availability of sanitary toilet facilities at surface work sites is necessary for the health protection of miners, the evidence presented at the hearing and other evidence available to the Department is insufficient to make a finding concerning the requisite quantity of safe drinking water and distance of sanitary toilet facilities from surface work sites.

(b) In order to assure that mandatory health standards concerning the matters specified in paragraphs 5 and 6 will provide the highest degree of health protection for the miner, research and study is necessary to ascertain the latest scientific data in the field, the technical and physical problems involved in implementing proposed standards, and the experience gained under this Act and other pertinent statutes. Such a study will be undertaken by the National Institute for Occupational Safety and Health and a report of the study will be made, together with recommendations for mandatory health standards on these matters, not later than December 31, 1972.

(c) Pending the completion of such a study, and the adoption of additional standards, if any, indicated by the study, provision of bathing facilities, change rooms, and sanitary flush toilet facilities comparable to the standards already adopted under 30 CFR Part 75 for surface facilities used by underground miners is necessary to attain the highest degree of health protection for miners at surface mines: *Provided, however,* That due to varying conditions (e.g., geographical variations, size of mines, and physical impossibilities) waivers to these requirements may be granted in appropriate cases.

Dated: October 12, 1971.

MARCUS M. KEY,
Director, National Institute
for Occupational Safety and Health.

[FR Doc. 71-15084 Filed 10-14-71; 8:51 am]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

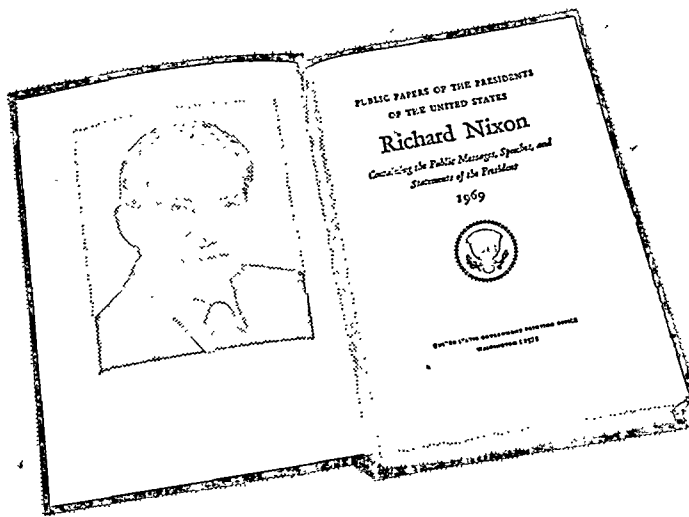
The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during October.

| 3 CFR | Page | 7 CFR—Continued | Page | 14 CFR—Continued | Page |
|--------------------------|----------------------------|-----------------------------------|---------------------|----------------------------|---------------------|
| PROCLAMATIONS: | | PROPOSED RULES—Continued | | PROPOSED RULES: | |
| 4085..... | 19239 | 1090..... | 19604 | 1..... | 19506 |
| 4086..... | 19899 | 1094..... | 19604 | 39..... | 19392, 19507, 19912 |
| 4087..... | 19961 | 1096..... | 19604 | 43..... | 19507 |
| 4088..... | 20025 | 1097..... | 19604 | 61..... | 19303 |
| EXECUTIVE ORDERS: | | 1098..... | 19604 | 67..... | 19393, 19396 |
| 11007(see EO 11625)..... | 19967 | 1102..... | 19604 | 71..... | 19321, |
| 11458 (superseded by EO | | 1103..... | 19604 | 19398, 19399, 19614-19617, | 19704, |
| 11625)..... | 19967 | 1104..... | 19604 | 19705, 19913, 20047-20051 | |
| 11621..... | 19435 | 1106..... | 19604 | 73..... | 19321, 19322 |
| Amended by EO 11622..... | 19491 | 1108..... | 19604 | 75..... | 20051 |
| 11622..... | 19491 | 1120..... | 19604 | 91..... | 19507 |
| 11623..... | 19963 | 1126..... | 19604 | 121..... | 19393 |
| 11624..... | 19965 | 1127..... | 19604 | 123..... | 19506 |
| 11625..... | 19967 | 1128..... | 19604 | 127..... | 19393 |
| 11626..... | 20027 | 1129..... | 19604 | 135..... | 19507 |
| | | 1130..... | 19604 | 183..... | 19393 |
| | | 1131..... | 19604 | 207..... | 19515 |
| | | 1132..... | 19604 | 208..... | 19515 |
| | | 1138..... | 19604 | 212..... | 19515 |
| | | 1464..... | 19389 | 214..... | 19515 |
| | | 1701..... | 19391, 19607 | 223..... | 19399 |
| | | | | 228..... | 19914 |
| | | | | 372..... | 19515 |
| | | | | | |
| 5 CFR | | 9 CFR | | 15 CFR | |
| 213..... | 19245, 19437, 19493, 19971 | 56..... | 19972 | 374..... | 19437 |
| | | 72..... | 19245, 19972 | 376..... | 19437 |
| | | 78..... | 20032 | 379..... | 19437 |
| | | 311..... | 19901 | PROPOSED RULES: | |
| | | 316..... | 19901 | 7..... | 19406 |
| | | 317..... | 19901 | | |
| | | | | 16 CFR | |
| | | 10 CFR | | 13..... | 19679-19693 |
| | | PROPOSED RULES: | | | |
| | | 50..... | 20051 | 17 CFR | |
| | | | | 200..... | 20037 |
| | | 12 CFR | | 231..... | 19362 |
| | | 201..... | 19901 | 241..... | 19362 |
| | | 224..... | 19901 | 249..... | 19363 |
| | | 226..... | 19671 | 274..... | 19363 |
| | | 531..... | 19973 | PROPOSED RULES: | |
| | | 569..... | 19973 | 270..... | 19516 |
| | | PROPOSED RULES: | | | |
| | | 207..... | 19515 | 18 CFR | |
| | | 220..... | 19515 | PROPOSED RULES: | |
| | | 221..... | 19515 | 101..... | 19443 |
| | | 226..... | 19706 | 104..... | 19443 |
| | | | | 105..... | 19443 |
| | | 13 CFR | | 125..... | 20052 |
| | | 120..... | 19572 | 141..... | 19443 |
| | | PROPOSED RULES: | | 201..... | 19443 |
| | | 114..... | 19707 | 204..... | 19443 |
| | | | | 205..... | 19443 |
| | | 14 CFR | | 225..... | 20052 |
| | | 39..... | 19359, | 260..... | 19443, 19515 |
| | | 19360, 19493-19496, 19572, 19573, | | | |
| | | 19671, 19672, 20033 | | 19 CFR | |
| | | 71..... | 19302-19304, | 4..... | 19603 |
| | | 19360, 19361, 19496, 19573-19576, | | PROPOSED RULES: | |
| | | 19904-19906, 20034-20036 | | 6..... | 19598 |
| | | 73..... | 20036 | | |
| | | 75..... | 19672, 19906, 20036 | 20 CFR | |
| | | 93..... | 19673 | 405..... | 19249 |
| | | 95..... | 19673 | | |
| | | 97..... | 19248, 19677 | | |
| | | 121..... | 19361 | | |
| | | 135..... | 20036 | | |
| | | 221..... | 19974 | | |
| | | 302..... | 19678 | | |

LIST OF FEDERAL REGISTER PAGES AND DATES—OCTOBER

| <i>Pages</i> | <i>Date</i> |
|------------------|-------------|
| 19237-19291----- | Oct. 1 |
| 19293-19351----- | 2 |
| 19353-19430----- | 5 |
| 19431-19484----- | 6 |
| 19485-19564----- | 7 |
| 19565-19660----- | 8 |
| 19661-19893----- | 9 |
| 19895-19953----- | 13 |
| 19955-20017----- | 14 |
| 20019-20129----- | 15 |

PUBLIC PAPERS OF THE PRESIDENTS OF THE UNITED STATES



Richard Nixon — 1969

1183 Pages — Price: \$14.50

CONTENTS

- Messages to the Congress
- Public speeches and letters
- The President's news conferences
- Radio and television reports to the American people
- Remarks to informal groups

PUBLISHED BY

Office of the Federal Register
National Archives and Records
Service
General Services Administration

ORDER FROM

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

PRIOR VOLUMES

Volumes covering the administrations of Presidents Truman, Eisenhower, Kennedy, and Johnson are available at varying prices from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.